

For Editorial Page
Attention Shri Vijay Ji
Martyrs Day of Dr Mukerji falls on 23.6.2012

बलिदान के 58 वर्ष पश्चात भी
डा. श्यामा प्रसाद मुखर्जी का कश्मीर मिशन आज भी अधूरा

कुल भूषण महोत्रा

आज उस महान व्यक्तित्व का शहीदी दिवस मनाया जा रहा है जो बंगाल में जन्मे, उच्च शिक्षा प्राप्त की, सारे देश को अपनी गतिविधियों का केन्द्र बनाया, अलगाववादी सोच के विरुद्ध देश की एकता का झण्डा उठाया। इसी संघर्ष में कश्मीर उनकी कर्मभूमि बनी। 1953 में 22 और 23 जून की काली रात को उनकी रहस्यमय परिस्थितियों में मृत्यु हो गई जब वह एक बंदी के रूप में श्रीनगर में नजरबंद थे।

यह थे डा. श्यामा प्रसाद मुखर्जी। उनकी मृत्यु के 58 वर्ष पश्चात भी उनका कश्मीर मिशन अधूरा है और न ही उनकी श्रीनगर में कारावास के रहस्य का पर्दा उठा है यद्यपि अन्य करोड़ों लोगों के अतिरिक्त उनकी बूढ़ी मां ने भी अपने महान बेटे के मृत्यु के कारणों की छानबीन की मांग की थी।

डा. मुखर्जी किस प्रकार के कुशल विद्वान और उच्च प्रशासक थे इसका अनुमान इसी बात से लगाया जा सकता है कि देश के उच्चतम शिक्षा संस्थानों में गणना की जाने वाली कलकत्ता विश्वविद्यालय के वह उस समय उप-कुलपति बने जब 1934 में उनकी आयु मात्र 33 वर्ष थी। विश्वविद्यालय के इस उच्चपद के दौरान उन्होंने शिक्षा के क्षेत्र में कई उल्लेखनीय कार्य किए ~~ऐसे प्रभावशाली कार्य~~ उसके पश्चात कानून के मैदान में आए और देश की परिस्थितियों ने उन्हें राजनीति में खींच लाया। राजनेता के रूप में उन्होंने कई ऐसे कारनामे कर दिखाए कि देश की स्वतंत्रता के पश्चात जब राष्ट्रीय सरकार बनी तो केन्द्र में उन्हें मंत्री के रूप में शामिल किया गया किन्तु कांग्रेस विशेषकर प्रधानमंत्री पंडित जवाहर लाल नेहरू की नीतियों से मतभेद के आधार पर सत्ता से अलग हो गए और 1951 में राष्ट्रीय स्तर की संगठन भारतीय जन संघ का निर्माण किया और 1952 में लोक सभा के चुनाव में भाग लिया इस चुनाव में भले ही उनके साथ दो और सदस्य संगठन की टिकट पर निर्वाचित हो सके किन्तु अपनी योग्यता और लोगों को एक साथ जोड़ने की कुशलता के साथ ~~संसद में अपने~~ कितने ही छोटे गुटों को मिलाकर एक प्रभावशाली विपक्ष खड़ा कर लिया।

1951 में पंडित प्रेमनाथ डोगरा के नेतृत्व में प्रजा परिषद ने जब जम्मू कश्मीर में अलगाववादी साम्प्रदायिक सोच के विरुद्ध एक बड़ा संघर्ष छेड़ा तो इस राज्य तथा शेष भारत के बीच अलगाव के चिंहो को मिटाने के लिए उन्हें डा. मुखर्जी का एक बड़ा समर्थन प्राप्त हो गया।

डा. मुखर्जी संघर्ष ~~के क्षेत्र~~ में कूदने से पूर्व परिस्थितियो का स्वयं अध्ययन करना चाहते थे जिसके लिए अगस्त 1952 में वह ~~स्वयं~~ जम्मू आए। उनका लखनपुर से लेकर जम्मू तक लाखो लोगो ने भव्य स्वागत किया। ~~फिर वह~~ जम्मू में एक बड़े जनसमूह को सम्बोधित करते हुए यह नारा दिया कि "एक देश में दो ~~प्रधान~~ संविधान, दो प्रधान, दो निशान नही चलेंगे, नही चलेंगे" और साथ ही जनता को यह वचन भी दिया कि संविधान दूंगा या प्राण दूंगा। उस समय कौन जानता था कि डा. मुखर्जी के मुंह से निकली यह बात कितनी सत्य होगी।

डा. मुखर्जी के विमर्श तथा प्रयत्नो के पश्चात भी जब शेख मोहम्द अबदुल्ला तथा उनके अनुयायी किसी और ही डगर पर चलने लगे और पंडित जवाहर लाल नेहरू ने अपनी तुष्टिकरण की नीति जारी रखी तो फिर एक बड़े संघर्ष का आरम्भ हुआ।

28 अक्तूबर 1952 सायं को पुरानीमण्डी जम्मू से पं. प्रेमनाथ डोगरा की गिरफ्तारी के साथ ही सत्याग्रह आंदोलन का आरम्भ हुआ। इस आंदोलन में हजारो लोगो ने गिरफ्तारियां दी 16 युवक भिन्-भिन् स्थानो पर भारत का तिरंगा लहराते हुए गोलियो का निशाना बने। एक लम्बे सत्याग्रह के पश्चात भी जब सरकार का दमनचक्र चलता रहा तो डा. मुखर्जी ने एक बार फिर से इस राज्य में आकर परिस्थितियो का जायजा लेने की घोषणा की किन्तु 12 मई, 1953 को जब डा. मुखर्जी बिना परमिट (वीजा) इस राज्य में प्रवेश हुए तो केन्द्र की ओर से दिए गए आश्वासन के विपरीत उन्हें ~~को~~ गिरफ्तार कर लिया गया और उन्हें श्रीनगर में एक अलग स्थान पर निशात बाग में बनी कुटिया में नजरबंद कर दिया गया। उनके साथ लेखक वैद्य गुरुदत्त तथा उनके सचिव टेकचंद थे।

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23 जून को यह समाचार देश के अंदर आग की भांति फैल गया कि रात्री को श्रीनगर के एक नरसिंग होम में डा. मुखर्जी का देहान्त हो गया।

पं. नहरू तथा अन्य कई बड़े नेताओ के अनुरोध पर सत्याग्रह आंदोलन स्थगित कर दिया गया। श्री नहरू ने देशवासियो को आश्वासन दिया कि जम्मू कश्मीर को एक अलग दर्जा देने वाली धारा-370 घिसते-घिसते घिस जायेगी।

डा. मुखर्जी के बलिदान के पश्चात जम्मू कश्मीर में आने जाने के लिए परमिट सिस्टम अर्थात वीसा प्रणाली समाप्त हो गई। देश की एकता के लिए कुछ अन्य पग भी उठाए गए। भारत के अन्य राज्यो की भांति कई केन्द्रीय कानून लागू हुए। भारत की उच्चतम न्यायालय का कार्यक्षेत्र ~~लागू हुआ~~ बढ़ाया गया। चुनाव आयोग, महालेखाकार तथा कुछ अन्य संवैधानिक संस्थानो को भी इस राज्य में कार्य करने की अनुमति मिली। सदर-ए-रियासत तथा राज्य के प्रधानमंत्री का नाम बदलकर राज्यपाल तथा अन्य राज्यो की भांति मुख्यमंत्री कर दिया गया।

किन्तु जम्मू कश्मीर में अस्थाई धारा-370 के कारण अब भी बहुत कुछ निराला है। इसका अपना अलग संविधान है। राज्य के ~~प्र~~ निर्वाचित प्रतिनिधि संसद में सारे देश के लिए कानून बनाते हैं किन्तु वह राज्य सरकार की अनुमति के बिना यहां लागू नही होते।

~~अ~~ अस्थाई धारा-370 को अलगाववाद की एक मूल जड़ माना जाता है किन्तु गत कुछ समय से अलगाववाद के स्वर इतने तीव्र हो रहे हैं जिनसे यह विचार उत्पन्न होने लगा है कि डा. श्यामा प्रसाद मुखर्जी तथा अन्य कितने ही बलिदानो से जो कुछ पाया गया है वह भी न खो दिया जाए क्योंकि अलगाववादियो का प्रभाव नई-दिल्ली की सोच पर भी बढ़ता दिखाई देने लगा है। वार्ताकारो की नियुक्ति भी इसी प्रभाव का बड़ा कारण दिखाई देता है।

डा. मुखर्जी देश की संसद में विपक्ष के नेता थे। इस राज्य में प्रवेश करने पर उन्हें किन परिस्थितियो में गिरफ्तार किया गया, उन्हें कैसे श्रीनगर ले जाया गया, बंदी के रूप में उनके साथ क्या व्यवहार हुआ तथा मृत्यु कैसे हुई यह अभी तक एक रहस्य बना है।

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इस बारे विषय की जांच क्यों नहीं हुई यद्यपि देश के कितने ही बड़े नेताओं के अतिरिक्त यह मांग डा. मुखर्जी की वृद्धी माता श्रीमती जोगमाया ने भी देश के प्रधानमंत्री से एक पत्र लिखकर की थी।

~~डा. मुखर्जी का बलिदान दिवस मनाने वाले अनुयायी भी कभी न कभी इसका उत्तर देंगे।~~

कुल भूषण खडाला

20-06-2010

اِنتظامی اِصلاع

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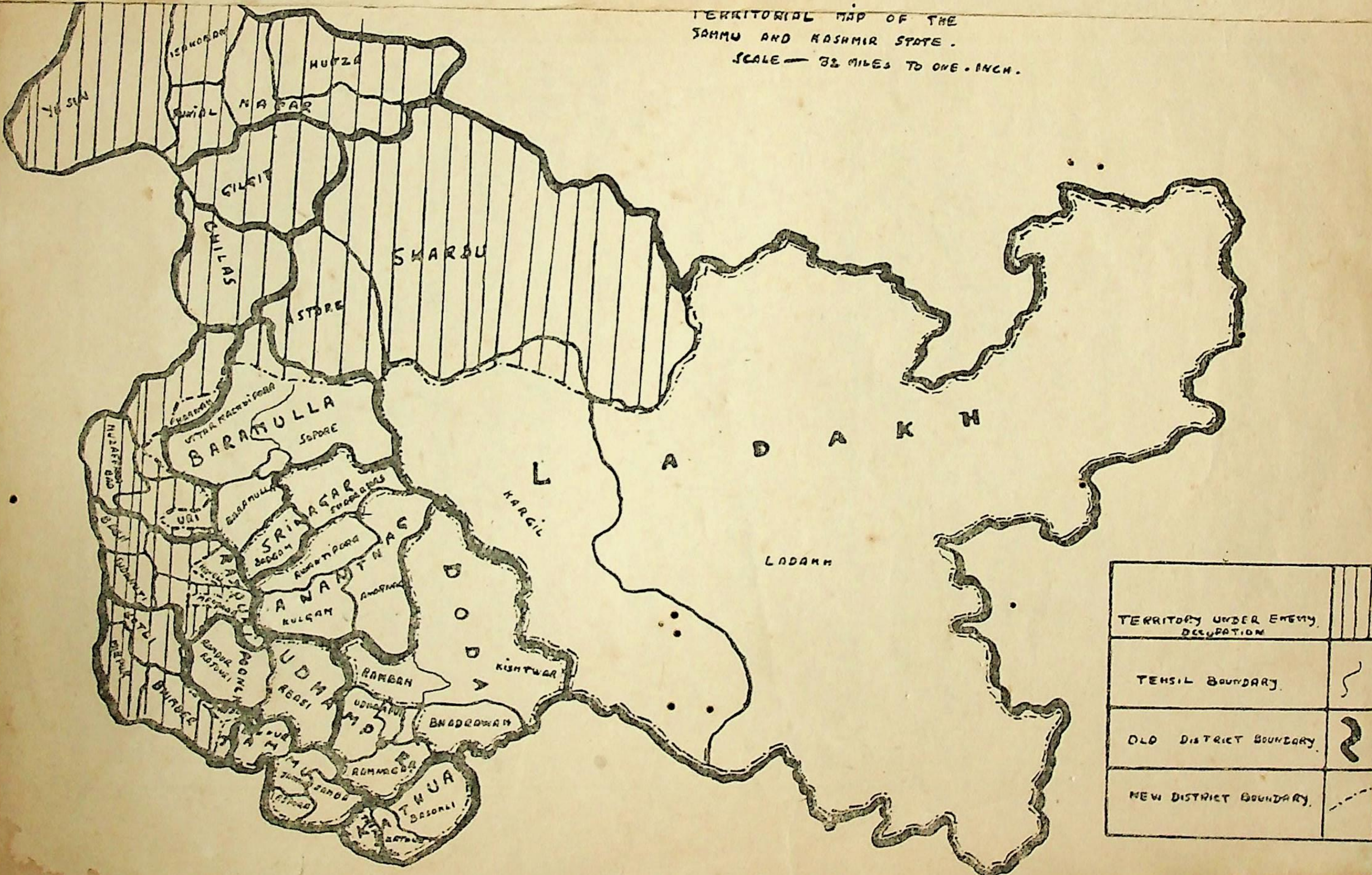
نئی تشکیل

شائع کردہ:-

منسٹری آف انفارمیشن و براڈکاسٹنگ

جموں و کشمیر گورنمنٹ

TERRITORIAL MAP OF THE
JAMMU AND KASHMIR STATE.
SCALE — 32 MILES TO ONE. INCH.



انتظامی قابلیت میں اصلاح کی خاطر حکومت جموں وکشمیر نے ابتدائی اقدامات میں سے ایک یہ بات کی کہ پرانے بےہنگم انتظامی یونٹوں کی حدود کو جموں وکشمیر کے لوگوں کو زیادہ سے زیادہ انتظامی امداد اور سہولیت بہم پہنچانے کی غرض سے از سرِ نو ترتیب دی۔ اسی طرح سنہ ۱۹۴۷ء کے فسادات کی بناء پر کچھ علاقہ جات ہاتھ سے نکل جانے کی وجہ سے یہ امر حکومت کے لئے باعث تحریک ہوا کہ بعض اضلاع کو نئے سرے ترتیب دی جائے۔ اس پالیسی کے نتائج تسلی بخش واقع ہوئے ہیں۔ کیونکہ انصاف اور انتظامی کام زیادہ معقول اور موزوں طریقے سے ہو سکا۔

لیکن وقتاً فوقتاً اس پالیسی کو جہاں تک اس کا اطلاق صوبہ جموں پر ہوتا ہے۔ یہ کہکر غلط رنگ میں پیش کیا گیا کہ غیر مسلم اکثریت کے علاقہ جات میں سے مسلم اکثریت والے علاقہ جات بنانے کی ایک جانی بوجھی کوشش کی گئی ہے۔

لہذا یہ ایک ضروری بات ہے۔ کہ ان تمام نمایاں امور کو جن کی بناء پر کچھ اضلاع کو از سر نو ترتیب دی گئی ہے زیر بحث لایا جائے۔

مالیہ کے لحاظ سے ابتدائی تقسیم

انتظام مالیہ کے مقاصد کی خاطر ریاست جموں وکشمیر کو تین یونٹوں میں تقسیم کیا گیا ہے۔

صوبہ	اضلاع	تحصیلات	مربع میلوں میں رقبہ	کل رقبہ
الف کشمیر	۱- اننت ناگ	۱- اننت ناگ	۱۰۳۴	
		۲- کلگام	۵۸۸	
		۳- پلوامہ	۴۴۹	
		۴- شہر خاص	۷۴۳	۲۸۱۴

صوبہ	اضلاع	تحصیلات	مربع میلوں میں رقبہ	کل رقبہ
	۲- بارہمولہ	۱- بارہمولہ	۵۹۰	
		۲- سری پرتاپ سنگھ پورہ	۴۸۸	
		۳- اُتر مچھی پورہ	۲۲۳۹	۳۳۲۷
	۳- مُظفر آباد	۱- مظفر آباد	۵۴۶	
		۲- کرناہ	۱۳۴۲	
		۳- اُوڑی	۵۲۰	۲۴۰۸
				۸۵۳۹
ب جمُّوں	۱- کٹھوعہ	۱- کٹھوعہ	۲۲۴	
		۲- بسوہلی	۶۱۴	
		۳- جسمیر گڑھ	۱۸۵	۱۰۲۳
	۲- جمُّوں	۱- جمُّوں	۳۴۶	
		۲- سانبہ	۳۲۷	
		۳- اکھنور	۱۷	
		۴- رنبیر سنگھ پورہ	۱۵۷	۱۱۴۷
	۳- میرپور	۱- میرپور	۳۵۵	
		۲- بھمبر	۶۹۸	
		۳- کوٹلی	۵۷۴	۱۶۲۷

صوبہ	اضلاع	تحصیلات	مربع میلوں میں رقبہ	کل رقبہ
	۴- اودہمپور	۱- اودہم پور	۳۸۳	
		۲- رام نگر	۵۲۵	
		۳- کشتواڑ	۳۰۲۱	
		۴- بھدرواہ	۵۵۳	
		۵- رام بن	۵۸۸	۵۰۷۰
	۵- ریاسی	۱- ریاسی	۹۸۳	
		۲- رامپور راجوری	۸۰۶	۱۷۸۹
ب ۲- جاگیرات	۱- چنینی	۱- چنینی	۹۸	۹۸
	۲- پونچھ	۱- حویلی	۴۷۹	
		۲- مینڈھر	۴۷۹	
		۳- باغ	۳۱۶	
		۴- سدھنوتی	۳۵۳	۱۶۲۷
				۱۲۳۷۸
ج علاقہ جات سرحدہ	۱- لداخ	۱- لداخ	۲۹۸۴۸	
		۲- اسکردو	۸۵۲۲	
		۳- کرگل	۷۳۹۲	۴۵۷۶۲

صوبہ	اضلاع	تحصیلات	مربع میلوں میں رقبہ	کل رقبہ
	۲-گلگت	۱-گلگت	۱۶۱۶۰	
			۱۶۳۲	۱۷۷۹۲
				۶۳۵۵۴

سنہ ۱۹۴۷ء سنہ ۱۹۴۸ء میں پاکستانی حملہ آوروں نے ریاستی علاقہ کے کافی حصہ پر قبضہ کر لیا۔ یکم جنوری سنہ ۱۹۴۹ء جبکہ لڑائی بند ہونے کے بعد انتظامی اکائیوں کی پوزیشن یہ ہے۔

صوبہ	اضلاع	تحصیلیں	دشمن کا مقبوضہ علاقہ	میزان	ریاست کے قبضہ میں علاقہ	میزان
الف کشمیر	۱-اننت ناگ	۱-اننت ناگ	-		۱۰۳۴	
		۲-کلگام	-		۵۸۸	
		۳-پلوامہ	-		۴۴۹	
		۴-شہر خاص	-	-	۷۴۳	۲۸۱۴
	۲-بارہمولہ	۱-بارہمولہ	-	-	۵۹۰	
		۲-سری پرتاپ سنگھ پورہ	-	-	۴۸۸	
		۳-اتر مچھی پورہ	۲۷	۲۷	۲۲۱۲	۳۲۹۰
	۳-مظفرآباد	۱-مظفرآباد	۵۴۶	-	-	
		۲-کرناہ	۱۲۵۵	-	۸۷	
		۳-اوڑی	۴۰۲	۲۲۰۳	۱۱۸	۲۰۵
				۲۲۳۰		۶۳۰۹

صوبہ	اضلاع	تحصیلیں	دشمن کا مقبوضہ علاقہ	میزان	ریاست کے قبضہ میں علاقہ	میزان
ب ا جموں	۱۔ کٹھوعہ	۱۔ کٹھوعہ	—	—	۲۲۴	
		۲۔ بسوہلی	—	—	۶۱۴	
		۳۔ جسمیر گڈھ	—	—	۱۸۵	۱۰۲۳
	۲۔ جموں	۱۔ جموں	—	—	۳۴۶	
		۲۔ اکھنور	—	—	۳۱۷	
		۳۔ سانبہ	—	—	۳۲۷	
		۴۔ رنبیر سنگھپورہ	—	—	۱۵۷	۱۱۴۷
	۳۔ میرپور	۱۔ میرپور	۳۵۵	—	۳۰	•
		۲۔ بھمبر	۵۲۴	—	۱۷۴	•
		۳۔ کوٹلی	۵۷۳	۱۴۵۲	۱	۱۷۵
	۴۔ اودھم پور	۱۔ اودھم پور	—		۳۸۳	
		۲۔ رام نگر	—		۵۲۵	
		۳۔ کشتواڑ	—		۳۰۲۱	
		۴۔ بھدرواہ	—		۵۵۴	
		۵۔ رام بن	—	•	۵۸۸	۵۰۷۰
	۵۔ ریاسی	۱۔ ریاسی	—		۹۸۳	
		۲۔ رامپور۔ راجوری	—		۸۰۶	۱۷۸۹

میزان	ریاست کے قبضہ میں علاقہ	میزان	دشمن کا مقبوضہ علاقہ	تحصیلیں	اضلاع	صوبہ
۹۵	۹۵		—	۱۔ چنینی	۱۔ چنینی	ب ۲ جاگیرات
	۱۷۳		۳۰۶	۱۔ حویلی	۲۔ پونچھ	
	۲۲۳		۲۵۶	۲۔ مینڈھر		
	—		۳۱۶	۳۔ باغ		
۳۹۶	—	۱۲۳۱	۲۵۳	۴۔ سدھنوتی		
۹۶۹۵		۲۶۸۳				
	۲۹۸۴۸		—	۱۔ لداخ	۱۔ لداخ	ج سرحدی علاقہ
	—		۸۵۲۲	۲۔ اسکردو		
۳۷۲۱۶	۷۳۶۸	۸۵۴۶	۲۴	۳۔ کرگل		
	—		۱۶۱۶۰	۱۔ گلگت	۲۔ گلگت	
—	—	۱۷۷۹۲	۱۶۳۲	۲۔ استور		
۳۷۲۱۶		۲۶۳۳۲				
۵۲۲۲۰		۳۱۲۵۰	کل میزان			

ترتیب

اضلاع اور تحصیلوں کے حصّے بخرے کرنے سے نہ صرف اِن یونٹوں کے حدُود اختیار سماعت اور ان کی آبادی پر اثر پڑا بلکہ مُلحقہ اضلاع اور تحصیلوں کے ڈھانچے بھی ان کے اثرات سے نہ بچ سکے۔ آبادی ایک حصّے سے دوسرے حصّے میں چلی گئی۔ اور جنگ بندی کی سرحد کے نزدیک والے اکثر گاؤں کی ساری آبادی اپنا علاقہ خالی کر گئی۔ اور اس کے بعد جو ترتیب دی گئی۔ اُس کی وجہ سے کشمیر میں دو اضلاع (اننت ناگ اور بارہ مُولہ) اور جموں میں تین اضلاع (ریاسی۔ اُودھمپور اور پونچھ) کو از سرِ نو تشکیل دی گئی۔

ضلع بارہ مولہ کی نئی حدبندی

کوئی بھی الگ ضلع مظفر آباد کے سابقہ ضلع کی صرف ۸ فیصد رقبے کی بنا پر قایم نہیں رہ سکتا تھا ⊗ اور نہ ہی پرانی کرناہ تحصیل میں سے جو ۲۴ دیہات بچ گئے تھے۔ اُن کے لئے ایک موزوں انتظامی یونٹ کے طور پر ایک الگ تحصیل قائم ہو سکتی تھی۔ اس لئے مُلکی نظم و نسق اور آبادی کے مفاد کے پیشِ نظر یہ ضروری تھا۔ کہ تحصیل اوڑی کے باقی ماندہ حصّہ کو ضلع بارہ مُولہ کے ساتھ ملایا جائے۔ اور تحصیل کرناہ کے دیہات کو اسی ضلع کی تحصیل اُوتر مچھی پورہ سے ملحق کیا جائے اسی طرح ضلع بارہمولہ، بڈگام۔ بارہمولہ، اُوتر مچھی پورہ اور اوڑی کے تحصیلات کو ملا کر بنایا گیا۔ اور اس کے ساتھ تحصیل کرناہ کا باقیماندہ علاقہ شامل کر کے اسے سب ڈویژن کی صورت میں تحصیل اُوتر مچھی پورہ سے ملحق کیا گیا۔ اس کا نتیجہ یہ ہُوا۔ کہ یہ ضلع اور تحصیل اُوتر مچھی پورہ دونوں بے ہنگم سے بن گئے۔ کیونکہ مُوخرالذکر

⊗ نوٹ:۔ ہمارے پاس اس وقت پُرانے مُظفر آباد ضلع کے ۲۰۴۰۸ مربع میل علاقے سے صرف ۲۰۵ مربع میل رقبہ ہی ہے۔

ایک طرف تو گریز تک پھیل گیا۔ اور دوسری طرف جھیل مانسبل تک۔ تحصیل بڈگام کے کچھ گاؤں۔ شمال کے طور پر چرار شریف اور ماردو دالوں ضلع کے ہیڈ کوارٹر سے ۶۰ میل کے فاصلے پر واقع ہیں۔ اس کے باعث لوگوں کو جو تکلیف پہنچی۔ اس کو ختم کرنے کے لئے یہ فیصلہ کیا گیا۔ کہ ضلع بارہ مولہ کی حدود کی وسعت کو کم کیا جائے۔ اور تحصیل اوتر مچھی پورہ کو دو حصوں میں تقسیم کیا جائے۔ چنانچہ تحصیل بڈگام کو ضلع بارہ مولہ سے نکالا گیا۔ اور پرانی تحصیل اوترمچھی پورہ سے سوپور کی ایک نئی تحصیل معرض وجود میں لائی گئی۔ اس کے ساتھ تحصیل خاص کے وہ گاؤں بھی شامل کئے گئے۔ جو سرینگر کی نسبت سوپور سے زیادہ قریب ہیں۔ اس طرح سوپور اور اوترمچھی پورہ کی دونوں تحصیلات اور ضلع بارہ مولہ ایک سہولت دہ انتظامی یونٹ بن گیا۔

نئے ضلع سرینگر کی تشکیل

ضلع اننت ناگ چار تحصیلات۔ اننت ناگ کلگام پلوامہ۔ اور شہر خاص پر مشتمل تھا۔ اس کا ہیڈ کوارٹر اننت ناگ میں تھا۔ گو ضلع کے ہیڈ کوارٹرس موزوں مقام پر واقع تھے۔ جہاں تک اننت ناگ۔ کلگام اور پلوامہ کا تعلق تھا۔ لیکن تحصیل شہر خاص کے گاؤں سے کافی دور تھے۔ اس طرح نلگرار اور بالتل واقع وادی سونہ مرگ کے رہنے والے کو اننت ناگ پہنچنے میں دو دن لگ جاتے ہیں۔ اور جو فاصلہ لوگوں کو عموماً طے کرنا پڑتا تھا۔ وہ ۳۰ میل سے ۹۵ میل تک تھا۔ لہٰذا اس بات کی ضرورت محسوس ہوئی۔ کہ تحصیل شہر خاص کو ضلع اننت ناگ سے الگ کیا جائے۔ اور سرینگر کے نئے ضلع کو تشکیل دینے کی خاطر اسے تحصیل بڈگام کے ساتھ جو اس کے متصل واقع ہے۔ شامل کیا جائے۔

راجوری پونچھ کے نئے ضلع کی تشکیل

پرانے ضلع میرپور کے ۸۰ فیصدی علاقے سے جو ہمارے قبضہ میں تھا۔ ظاہرا طور پر ایک جداگانہ ضلع کی تشکیل نہیں دی جا سکتی تھی۔ اسی طرح حویلی اور مینڈر کی

تحصیلات کے اِن حصّوں سے جو پُرانی پُونچھ جاگیر کا ۲۴ فیصدی علاقہ ہے۔ ایک سہولت دہ انتظامی یُونٹ کی تشکیل نہیں دی جا سکتی تھی۔ لہٰذا اِن دونوں علاقوں کو کسی ایسے ضلع کے ساتھ شامل کرنے کی ضرورت تھی۔ جو اس کے متصل ہو۔ اِن کو ایک دوسرے کے ساتھ شامل نہیں کیا جا سکتا تھا۔ کیونکہ رام پور، راجوری کی تحصیل درمیان میں واقعہ تھی۔ اور تحصیل بھمبر کا آزاد کردہ علاقہ جنوب کیطرف اور پُونچھ جاگیر کا آزاد شدہ علاقہ شمال کی طرف واقع تھا۔ دُوسری طرف ریاسی ضلع کی موجودہ ترکیب بہت سہولیت دہ نہیں تھی ریاسی میں ڈسٹرکٹ ہیڈ کوارٹر کے واقع ہونے سے رامپور، راجوری تحصیل میں بسنے والے رام گڑھ کی طرف بستے ہیں ریاسی پہنچنے میں ۷۵ سے ۱۰۹ میل تک کے لمبے فاصلے دشوار گذار علاقہ سے پیدل طے کرنے پڑتے تھے۔ چُونکہ یہ علاقہ پہاڑی رکاوٹوں سے جس کی وسعت بیس میل سے زائد فاصلہ پہ ہے تقسیم ہوا ہے۔ اُن گولوں کے لئے جو ہُدھل علاقہ میں بستے ہیں۔ ریاسی پہنچنا تکلیف دہ تھا۔ اِس لئے رام پور، راجوری کی تحصیل ریاسی ضلع سے علیحدہ کیگئی۔ اور حویلی، مینڈر اور بھمبر تحصیلات کے آزاد کردہ علاقوں کے ساتھ ملائی گئی۔ جس سے ایک علیحدہ ضلع راجوری پُونچھ کی تشکیل ہوئی۔ اور بھمبر تحصیل کے ۱۰۴ دیہات کو جو دلوا پٹالہ۔ چھمب کے علاقہ پر مشتمل ہیں۔ ملحقہ اکھنور تحصیل (ضلع جموں) میں شامل کیا گیا۔ باقی علاقہ کو جو بھمبر تحصیل کے پرانے سب ڈویژن نوشہرہ پر مشتمل ہے۔ کو ایک علیحدہ تحصیل نوشہرہ بنایا گیا۔ ببیوں پر سے گزرتا ہوا چھمب سے نوشہرہ تک کے درمیان کم فاصلہ کا راستہ اب پہونچ کے قابل نہیں تھا۔ کیونکہ بھمبر تحصیل میں علاقہ کا درمیانی ٹکڑا دُشمن کے قبضہ میں رہ گیا ہے۔ اور چھمب کے علاقہ میں بسنے والے دیہاتوں کو نوشہرہ پہنچنے کے لئے کالی دھار سلسلہ کوہ کو عبور کرنا پڑتا تھا۔ نیز بصورت دیگر بھی دیہاتوں کے فاصلے چھمب سے نوشہرہ کیطرف بہ نسبت اکھنور کے زیادہ لمبے تھے۔ مثلاً ٹھوسے دیہات سے اکھنور تک کا فاصلہ صرف ۲۶ میل تھا۔ بمقابلہ ۴۰ میل نوشہرہ تک۔ پرانے کوٹلی تحصیل میں سے صرف ۔۔ دو دیہات

دشمن کے قبضہ سے بچ گئے تھے۔ یہ رجوعہ اور رام ہیں۔ ان دونوں کو بھی نوشہرہ تحصیل کے ساتھ ملایا گیا۔

نئے ضلع ڈوڈہ کی تشکیل سرحدی اضلاع لداخ و گلگت کے سوائے اودہم پور کا ضلع وسعت میں سب سے بڑا تھا۔ اس کا رقبہ ۵۰۷۰ مربع میل تھا۔ اور تقریباً ۱۱۶ میل لمبا اور ۱۰۸ میل چوڑا تھا۔ اس ضلع کا ہیڈ کوارٹر اودہم پور میں تھا۔ جو کشتواڑ سے ۹۲ میل رام بن سے ۵۳ میل اور بھدرواہ سے ۸۶ میل کے فاصلہ پر واقع تھا۔ جو انہی ناموں کی تین تحصیلات کے بالترتیب ہیڈ کوارٹر ہیں، اور رام نگر اور اودہم پور کے ہمراہ اسی میں شامل تھیں۔ کشتواڑ تحصیل میں کچھ علاقے مثلاً۔ سکھ نائی۔ نوکام۔ انشان۔ میل وارڈن۔ مچھلی اور اٹھولی ہیں جو اودہم پور سے ۱۵۰ میل سے زیادہ فاصلہ پر واقع ہیں۔ موسم سرما میں زیادہ برف باری کیوجہ سے رسل و رسائل عموماً منقطع ہو جاتے ہیں۔ اور علاقہ بہت دشوار ہے۔ کیونکہ سارا ملک ناہموار اور پہاڑی ہے۔ ان دور افتادہ تحصیلات کے لوگوں سے ضلع کی از سر نو ایسی تشکیل کے لئے جس سے اس کا ہیڈ کوارٹر اُن کے لئے آسانی سے پہنچ کے قابل مقام پر واقع ہو متواتر مطالبہ ہو رہا تھا۔

نیز بصورت دیگر بھی یہ ضلع بہت بڑا تھا۔ اور محکمہ مال کے افسران کی موجودہ گورنمنٹ ——— سے قبل کی بھی یہی رائے تھی کہ بھدرواہ۔ رام بن اور کشتواڑ کے تین تحصیلات کو اگر ایک ضلع نہیں تو ایک سب ڈویژن بنا دینا چاہیئے۔ کئی موقعوں پر مال کے مقدمات میں فریقین موسم سرما میں کشتواڑ سے آتے ہوئے ہیڈ کوارٹر پر پہنچنے میں ناکام رہے اور راستے میں موسم سرما کی شدت اور برف سے مر گئے۔ سردی کے مہینوں میں ان دور افتادہ علاقوں

میں سول نظم ونسق کا کام پورے طور پر بند رہتا تھا۔ جبکہ خود افسران بھی لوگوں سے میل جول کی کوئی کوشش نہ کرتے تھے۔ لوگوں کو ضروری مطلوبہ امداد بہم پہونچانے کی خاطر اور نیز اس غرض سے کہ نظم و نسق کے ایک سہولیت دہ یونٹ کو تشکیل دی جائے۔ یہ ضروری خیال کیا گیا کہ پرانے ضلع اودہم پور کی نئے سرے سے حد بندی کی جائے۔

اسی بنا پر رام بن۔ کشتواڑ اور بھدرواہ کی تین تحصیلات کا اور ریاسی اور اودہم پور تحصیلات کے چند دیہات کا جو رام بن تحصیل کے ہیڈ کوارٹر کے نزدیک تر تھے۔ ایک علیحدہ ضلع بنایا گیا۔ جس کا ہیڈ کوارٹر ڈوڈہ رکھا گیا۔ جو ایک مرکزی جگہ پر واقع ہے۔ اور جو کہ تحصیلات بھدرواہ۔ کشتواڑ اور رام بن کے ہیڈ کوارٹروں سے عملی طور پر مساوی فاصلے پر واقع ہے۔ یہ امر باعث دلچسپی ہوگا کہ پیر پنچال کے اس پار کے تیرہ دیہات جو علاقہ گنڈا کے نام سے موسوم ہیں۔ تحصیل رام بن میں شامل تھے۔ یہ دیہات کولگام جو صوبہ کشمیر کی تحصیل کولگام کا ہیڈ کوارٹر ہے سے صرف نو میل کے فاصلے پر واقع ہیں۔ اور قاضی گنڈ جو درہ بانہال کے دامن میں جموں و کشمیر روڈ پر ایک اہم تجارتی مرکز ہے۔ کے پانچ میل کے دایرے میں واقع ہیں۔ اس بات کا بخوبی اندازہ لگایا جا سکتا ہے۔ کہ سالہا سال اس علاقے کے لوگوں کو کن کن مصائب سے دوچار ہونا پڑا ہوگا۔ جب کہ معمولاً انہیں تحصیل ہیڈ کوارٹر رام بن تک پہنچنے میں ۷۵ میل اور اودہم پور کے ضلع ہیڈ کوارٹر تک پہنچنے میں ۱۲۸ میل طے کرنے ہوتے تھے اس میں کوئی معقول وجہ نہ تھی کہ ان دیہات کو رام بن تحصیل کے ساتھ

شامل رکھا جاتا۔ خاص طور پر جب کہ یہ لوگ سرما کے چھ مہینوں کے لیئے انتظامی مشینری سے الگ تھلگ ہو جاتے تھے۔ درحالیکہ اُنہیں اپنے گھروں کے نزدیک ہی انصاف و نگہداری میسر آ سکتی تھی۔ لہٰذا ان دیہات کو گُلگام تحصیل سے شامل کیا گیا جو جغرافیائی بناوٹ کیمطابق اِس تحصیل کے علاقہ کا ایک حصّہ تھے۔ گُلگام تحصیل کے ساتھ ملحق کیا گیا۔ اسی طرح علاقہ نندی مرگ کے سات دیہات کی صورت تھی۔ جو ریاسی تحصیل کا ایک حصّہ تھے۔ لیکن عملاً یہ دیہات تحصیل گُلگام کا ایک حصّہ تھے۔ کیونکہ یہ دیہات گُلاب گڑھ کے پہاڑوں کے اُس پار وادیٔ کشمیر میں واقع ہیں۔ مُلک کے اِس حصّہ میں بسنے والے لوگوں کو تحصیل ہیڈ کوارٹر ریاسی یا نیابت ہیڈ کوارٹر ارناس تک پہنچنے میں عام طور پر ۵۰ سے ۳۰ میل کا سفر بڑے بڑے اُونچے پہاڑوں سے گذر کرطے کرنا پڑتا تھا۔ اور موسم سرما میں اُنہیں دُوسری جانب یہ قیام پذیر سرکاری ایجنسی کے ساتھ کوئی رابطہ نہیں رہتا تھا۔ دُوسری راہ جو ہاہال سے گُذرتی تھی۔ ارناس تک پہنچنے میں ایک ہفتہ لگتا تھا یہ فاصلہ تقریباً ۱۶۰ میل کا تھا۔

اودہم پور کے نئے ضلع کی تشکیل

رام پور۔ راجوری کے پُرانے ضلع ریاسی سے الگ ہونے کی وجہ سے تحصیل ریاسی کو صُوبہ جموں کی علاقائی تشکیل میں شامل کرنا تھا۔ اِس تحصیل سے بذات خود ایک الگ ضلع نہیں بن سکتا تھا۔ اور ظاہر وجوہ کی بنا پر یہ ضلع پُونچھ راجوری کے ساتھ شامل نہیں کیا جا سکتا تھا۔ جو کہ بہت بے ہنگم ہو جاتا۔ اور نیز پُونچھ میں ضلع ہیڈ کوارٹر کے واقع ہونے سے ریاسی کے لوگوں کے لیئے یہ بات مکمل طور پر ناموزوں ہوتی۔ اُودہم پُور تحصیل سے ملحقہ حدود ہونے کی وجہ سے اور جغرافیائی لحاظ سے ملتا جلتا ہونے کیوجہ

سے تحصیل ریاسی اُودہم پور ہی کا حصّہ بن سکتی تھی۔ لہٰذا اِس کو ضلع اُودہم پور کے ساتھ ملایا گیا۔ جو اب تین تحصیلوں اودہم پور۔ رام نگر اور ریاسی اور سابقہ جاگیر چنیھنی ۸۴ دیہات پر مشتمل ہے۔ اُودہم پور سے تحصیل ریاسی تک پہنچنا رام پور۔ راجوری تحصیل سے زیادہ آسان ہے۔

ضلع لداخ کی جدید حد بندی

گو اسکردو کی ساری تحصیل کا ایک حصّہ دُشمن کے قبضہ میں آ گئے ہیں۔ لداخ کے سرحدی ضلع کا ۲۱۶، ۳۷ مربع میل کا اچھا خاصا رقبہ ابھی تک ہمارے پاس ہے۔ جسکا جغرافیائی حالت اور طبعئی پہلوؤں کے لحاظ کے علاوہ ایک الگ انتظامی یونٹ کا بنا رہنا لازمی تھا۔

ریاست کے ضلعوں اور تحصیلوں کی علاقائی حدود کو از سرِ نو ترتیب دینے کی جو اُوپر وضاحت کی گئی ہے۔ اِس سے ایک غیر جانبدار دیکھنے والے پر یہ بات صریحاً واضح ہو گئی۔ کہ ریاستی حکومت نے اِن تبدیلیوں کو صرف لڑائی سے پیدا شدہ حالات اور لوگوں کی سہولیت اور انتظامی امور کی وجہ سے عمل میں لائی ہے۔

(۲۰۰۰) دی رنبیر گورنمنٹ پریس جموں (۱۰ ب ۱)

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A CASE
FOR AN OPEN ENQUIRY

by:

General Secretary

All Jammu & Kashmir,
Praja Parishad.

On the 8th of February 1952 the students of Jammu took out a procession in sympathy with their comrades who had been on hunger strike since the 29th of January to mark their protest against the heavy fines imposed on their leaders for raising objection to the hoisting of the party flag of National Conference along with the National Tri-colour on the occasion of a Physical Display in the college on the 15th of January. The procession which was proceeding towards the Secretariat to place the Students case before the Cabinet was five times lathicharged and thrice fired upon by the State police before it dispersed.

This incident was followed by a 72 hours Curfew in Jammu city which was literally handed over to the army. The press note issued by the Jammu & Kashmir Government after that incident charged the Jammu & Kashmir Praja Parishad, with a design "to subvert authority and bring into existence chaotic condition in the State." This was followed by mass arrests of Praja Parishad leaders and workers, both male and female who have all been detained without trial. Jammu & Kashmir Government has since been persistently decrying, the Praja Parishad as having instigated the students.

The Jammu & Kashmir Praja Parishad is the only political party in opposition to the National Conference the party in power, in the state. It wants the Jammu & Kashmir State to be fully integrated with India like other acceding States, demands the application of the Indian Constitution to the State in its entirety as against the conditional and limited accession for which the National Conference stands at present.

The Praja Parishad, as will be clear from the perusal of statement of our President, Pt. Prem Nath Dogra and the resolution of Praja Parishad working Committee of 25th February 1952 given in the succeeding pages, had nothing to do with the students movement. The Kashmir Government has wilfully misrepresented the whole situation to implicate Praja Parishad in it with a view to suppress it. This is why the Parishad demands an impartial Commission consisting of High Court Judges

from India to go into the whole matter. The Jammu & Kasnmir Government if it has any genuine proof against the Praja Parishad must not hesitate in acceping this most democratic and rational demand of the Parishad which has been supported by the press and public opinion of the rest of India as well.

Institution of such an Enquiry Commission will in no way infringe the rights of the State Government. Such Commissions were appointed on more than one occasions by the previous autocratic regime of the Maharaja. The present democratic regime of Sheikh Abdulla, therefore should not feel shy of instituting such an Enquiry.

The Praja Parishad is Conscious of the delicate and difficult situation in Jammu & Kashmir State. It has been its endeavour, therefore, to voice the feeling of the people it represents in most peaceful and constitutional manner. But unfortunately the men in power do not want it to exist at all. That explains enforcement of Section 50 of Defence Rules of a war time measure, which has cempletely curbed the civil liberties of the people. Such a thing can in no way help in restoring the conditions of peace, harmony, goodwill between the Government and the people so badly needed at the present juncture.

An open Enquiry into the present incidents and its back ground will enable the true facts of the situation to come to light and will be helpful in removing much of the misunderstanding about the Parishad which has been caused by its systemic misrepressention for some time past. The Praja Parishad therefore hopes that the people of India including the Jammu & Kashmir State will appreciate the Parishad's demand for an independent Commission to Enquire into the Jammu incident.

Full Text of the Statement issued by Pt. Prem Nath ji Dogra, President Praja Parishad, Jammu on 8-2-52

Praja Parishad circles are shocked to read the Government Press note dated 8-2-52 in the last para of which the Government has charged that the demonstrations by the students of the college and schools, both boys and girls are organised and inspired by the Praja Parished organisation which wants openly to subvert authority and bring into existence chaotic condition in the State.

This is a mere travesty of facts and is intended to bring into disrepute the only opposition party in the State The true facts are that the Parishad has all along extended fullest co-operation to the Government and has never done anything subversive to the authority. The Praja Parishad is out and out for bringing in harmonious and peaceful conditions in the State and welding together all dissident elements. Its pro-India stand is the only cause of the cold war that is being waged against it by the party in power. Inspite of so many provocative speeches and statements issued by the Government the Parishad never deviated from its peaceful path.

I want to make it known to the public and Government that my organisation has no hand in the students movement and it kept aloof all the time. The Parishad with all the emphasis at its command demands that an independent Commission may be appointed to enquire into the false and unfounded accusations levelled against it. To prove the bonafides of the Government against the Jammu people, the recent utterances of the Hon'ble Deputy Prime Minister before the respectable citizens of Jammu on the 7th Feb. 1952 should serve as a pointer. Therein he openly threatened the Jammu people that he would destroy the country lockstock and barrel and make it over to Pakistan.

Dated Jammu the,
8th Feb, 1952

Sd. Prem Nath Dogra,
President
All Jammu & Kashmir Praja Parishad

Resolution passed by Working Committee of Praja Parishad, on 25-2-52. at Pathankot

The Jammu and Kashmir Praja Parishad during the past four years of its existence as the only party in opposition in the State has successfully worked for creating political awakening in the people particularly those living in Jammu Province who are comparatively backward because no political party had worked among them before the Praja Parishad. It stands for a progressive economic programme, a broad and non-sectarian social out look and close integration of the whole of the State with India like all other acceding States. It wants full application of the Constitution of India to the State and is opposed to the semi-independent state for which the party in power has been working.

This patriotic and pro-India stand of the Parishad has made it suspect in the eyes of the party in power. It has been trying to suppress Praja Parishad in different ways. The leaders of the Parishad were arrested, detained without trial early in 1949 and were not released until the Praja Parishad launched a mass Satyagraha movement. The Praja Parishad was forced to boycott the elections to the Constituent Assembly by rejecting 44 out of :9 nomination papers filed by Praja Parished nominees on most flimsy grounds. To keep the voice of Praja Parishad out of the Indian Parliament it plans to nominate the State representativs to the Indian Parliment instead of holding an election for the purpose. The Praja Parishad has been corresponding with the government of India on the question of election of State representatives to the parliament. It was as it should, educating the public opinion in the state as well in favour of election of the State representatives for the Parliment instead of nomination. All this was being done by the Parishad in the most peaceful and constitutional manner.

The Praja Parishad had nothing to do what so ever with the present happenings in Jammu, which began on the 15th of January when the students of the local Govt. College protested against the hoisting of the party flag of the National Conference along with the National Tri-colour. Its leaders and workers scruplously kept themselves aloof. As citizens some of the leaders of the Praja Parishad did lend their helping hand to the authorities to end the student's agitation. They even succeeded in envolving an agreed compromise formula which was approved by the Deputy Commissioner of Jammu and other authorities on the 6th February. But Bakhashi Gulam Mohammed the Deputy Prime Minister who returned to Jammu the same day torpedoed the efforts of citizens and rejected the Compromise formula evolved by them. That created a constirnation among the students and parents and relatives of the hunger-striking students and resulted in the demonstration of 8th February which was crudely mishandled by the authorities.

The way the Jammu & Kashmir Government has exploited the situation to suppress the Praja Parishad is no secret now. It has let loose a reign of terror on the

people of Jammu. Scores of men and women workers and sympathisers of Praja Parishad including our President Pt. Prem Nath Dogra have been arrested and detained without trial. Warrants of arrests or externment orders have been issued against hundreds of others. All this, the Praja Parishad is convinced, has been done with a set plan to crush the Parishad. The ban imposed on the 'Milap and Partap' urdu Dailys of Delhi most widely circulated in the State and which voiced the feeling of the people of Jammu is an additional proof of it.

Praja Parishad Working Committee strongly condemns these most undemocratic and Fascist methods of the Kashmir Government. It challenges the Government to place any evidence it has against the Parishad before any court of law. It demands of the government to institute an Independent Enquiry Committee to look into the happenings of Jammu, release Praja Parishad leaders, cancel warrants against others and remove ban on the entry of Milap and Partap in the State.

The Committee also prays to the Government of India to take a realistic view of the situation of Jammu. Parishad is a friend of India, a better friend we claim, than the National Conference. It espouses the cause which is dear to every Indian today. The Government must protect and respect the legitimate rights and aspirations of the people of Jammu and not ride roughshod over them to please the party in power.

The Committee further takes the opportunity to thank the public and press of India who have sympathised with the just and patriotic cause of the Parishad and hopes that the Indian Public will continue to extend its helping hand to the Parishad in the achievement of its patriotic objective of making the Jammu & Kashmir State one with India exactly like the other acceding States.

Tribune Dated 11 - 2 - 52

Need for enquiry

A 72 hour curfew was imposed on Jammu following the unruly demonstratinos by what has been described a violent crowd of 2000 demonstrators who tried to force their way into the secretariat. The demonstartion which was staged on Friday on a small scale inside a local

College as a protest against the imposition of fine on two students is reported to have culminated in a procession towards the secretariat in defiance of the District Magistrate's order banning meetings and processions. In the way, so the report says, the demonstrators among whom were also women, attacked police officers and men on duty, and on reaching the secretariat they indulged in open lawlessness. The police made two lathi charges and fired two rounds to disperse the mob and bring the situation under control. Bk. Gulam Mohammad Deputy premier of Jammu and Kashmir has stated that it was an organised attempt on the part of Praja Parishad to subvert authority and create counfusion in the State. The Government according to him is holding enquiries into Friday's incidents and will make the findings public at the proper time. The press communique issued by the State information Bureau and the statement of the Jammu District Magistrate show that the trouble was brewing over since Jan. 15 when 10 to 15 students in the Government college in Jammu demonstrated against the National Conference flag along side the Indian Union flag. Some of the student demonstrators were punished with fines. The District Magistrate alleges that a large crowd of students mobbed the Cinema halls in an attempt to force admission at concession rates and that in consequence he had to impose a ban on meetings and processions. If all the facts released by the Government are correct the Praja Parishad stands condemend. No Government will and can spare an organisation which resorts to or instigates violence to attain its objectives. A spokesman of Praja Parishad the leaders of which are now under arrest has however denied that the Praja Parishad had anything to do with the demonstrations. He says "To say that the Parishad had organised demonstrations is a travesty of facts and intended to bring into disrepute the only opposition in the State. Mere assertions on one side and denials on the other do not lead to any positive conclusion, especially when the question of law and order is concerned. In the circumstances the only way to reach the truth is to hold an *Independent Impartial and sifting Enquiry into the whole affair*. According to Bakshi Gulam Mohd. the Jammu & Kashmir Government "was in possession of the pre-arranged plans of certain political parties in the State to subvert authority and bring about

a state of confusion." That is all the more reason why an enquiry should be ordered. Once such an enquiry estabilshes the fact that the Praja Parishad had deliberately incited the forces of lawlessness and that it wanted to subvert authority by resort to violence it will be discredited for all times to come and will lose whatever support it has.

National Herald Dated 12-2-52

The Parishad has denied having had anything to do with the demonstration and demanded an impartial enquiry into the false and unfounded allegations levelled against it. Subject to the demands of security a thorough enquiry is called for and that there was a pre-arranged plan to create confusion in the State and if the statement of the Principal of the Government Gandhi Memorial College about Parishad workers having taken active interest in the students agitation is based on facts the Government will be strengthening its own position by ordering such an enquiry.

Hindustan Standard. Dated 10-2-52

If the Parishad has been at the back of the deplorable happenings in Jammu city, with intent to subvert authority and create chaos in the State, it deserves the strongest condemnation. In the interest of security to Kashmir, in which the whole of India is vitally concerned the serious charge made against the Parishad should be fully investigated and, if it be found true, suitable action should be taken. The question of proof however remains. We hope the Government of Jammu and Kashmir as well as that of India will publish the evidence in possession to establish the charge as true. That publicity will itself be a corrective: Things hatched and nursed in the darkness of secrecy usually fade within the sunlight of publicity. And the earlier it is done, the better.

Searchlight Patna Dated 13 2-52

The disturbances in Jammu City on Friday last which necessitated lathi charge by the Police and calling in of 72 hours curfew was uufortunate in the extreme. According to a Press Note issued by the Government of Jammu and Kashmir the demonstrations were organised by the Praja Parishad, but a leader of the later organisation has catagorically denied the charge. Whosover inspired and organised the violent demonstrations did

the State no good. One wonders if communists had not had a hand in misleading the students. An enquiry into the incident should unravel the mystery.

Amrit Bazar Patrika 13-2 52

The disturbances according to the press note recentally issued by the Kashmir Government were organised and inspired by the Praja Parishad "which wants to subvert authority and bring into existence chaotic condition in the State." Several leaders of Praja Parishad including its President have since been arrested and Bakshi Gulam Mohammad Deputy Premier of Kashmir has expressed his firm determination to maintain law and order in the State. But why do the Praja Parishad and its Political association create condition in the State? What are their grievances? What are their Political aims and plans? If they have been indulging in subversive activities to gain their political ends what precautionary measures have the Government Jammu and Kashmir taken to keep them in check in future? No light has been thrown in these matters till now either by the authority of the Kashmir Government or by any spokesman of the Parishad. It is therefore only logical to expect that an adequate explanation will soon be forthcoming from the State Government.

Shri Shibban lal Saxena's speech in the Parliament
3-3-52

It has been tried to be made out that if was a movement without support. But the admission that a thousand Hindu ladies took part in the protest procession in which thousands of other people also took part. That in fact the Indian military had to be called in to control the situation, shows that the movement had a large public appeal behind it. There is therefore a clear case for a public inquiry to discover the truth. I hope Sheikh Abdulla will appoint a committee which will inspire confidence and will see that such things do not happen again. I had hoped that he would set standards which other people would follow. I am disappointed. If such things had happened in our Indian provinces, the whole country would be shaken. I expect that in Jammu he will try to deal with the situation with tact and intelligence and see that the present tangle is soon resolved.

Statement made in the Parliament by Shri H. V. Kamath on Jammu affair during the general debate on Budget for 1952-53 on 3-3-52. He said :-

"........... My Hon. friend Prof. Shibben Lal Sakesna has referred to Jammu & Kashmir and I would not repeat the points that he has made out. But I would certainly say that I hope that our troops and our armies in Jammu and Kashmir will not in any way lend themselves to be used or exploited for the suppression or for dealing with the internal disturbances in Jammu-Kashmir. And I would like to say, before I close, that it is rather a paradox that the Praja Parishad of Kashmir which stands for complete integration of Kashmir with India and even the abolition or deletion of Article 370 from the Constitution should be looked down upon as a hostile body.

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THE PRE-1953 STATUS - ITS CONSTITUTIONAL AND POLITICAL IMPLICATION : A BRIEF REPRASIL

The motivational variations arising out of varied political considerations and failure of the Centre-State leadership at various levels to reconcile the various claims and aspiration led to the crisis of August 1953, in which the first popularly elected ministry of Sheikh Mohammad Abdullah was dismissed and he along with his few stranch supporters was arrested. All the subsequent political regimes were nothing but the puppet governments which further contributed in the alienation of the Kashmiri masses by their wrong policies. As a result the problem of communalism and secessionism had taken a serious dimension in the Valley. Moreover, number of Kashmiri elites not only started challenging the State accession to the Indian Union but also pleaded for holding plebiscite to decided it finally. Pakistani influence was still on increase and Sheikh Abdullah was still regarded as undisputed leader of the Valley. The National Conference leadership was pressing hard for pre 1953- political status for Kashmir.

On the other hand, the failure of Pakistani army to capture Kashmir by force in 1947, 1965, and 1971 wars, Pak turmoil because of not accepting Mujube-ur-Rehman, a person from east and whose party got absolute majority in the Legislative, as Pak Prime Minister, civil war in East Pakistan, commission of massacring, rapping and other atrocities by Pak.army on the Co-Muslim brotherns had a deep impact on the thinking of Kashmiri elites in general and top Kashmiri leadership in particular. Most of them were

convinced that Kashmiris might be treated on the same way as that of the Bengali Muslims of East Pakistan if the Valley acceded to Pakistan. They were equally convinced that the possibility of Kashmir to be independent was a very black as it was surrounded by a number of big impures. They, therefore, of the view that if there could be any solution of their problems it would be the within the framework of Indian Constitution.

As at international level Kashmir issue was still being treated as an international issue, the central leadership was always keen to arrive at a durable solution of the issue. The Indian leadership was also convinced that it was not possible to arrive at a solution as well as to get a permanent peace in the valley without taking Sheikh Abdullah into confidence as he was still regarded as undisputed leader of the Valley.

Under these conpelling circumstances a prolonged negotiation started between Mr. Parthsarthy and Mr. M.A. ---the representative of Mrs. Indira Gandhi and Sheikh Abdullah, which resulted into Indiria —Sheikh Accord of 1975. During the dialogue the Kashmiri representative repeatedly stressed for the pre-1953 polticial status for Kashmir. They were of the view that all the pre-1953 regime contributed in in the erosion of State autonomy as guaranteed under Instrument of State's Accession as well as Article 370 of the Constitution of India.

The demand was again raised during 1977 State Assembly Elections. But nothing substantial had been done in this direction. Almost same thing happened during Dr. Farooq Abdullah's regime. During 1996 Assembly Elections, the

National Conference leadership once again raised the slogan of maximum State autonomy i.e. pre 1953 political status for Kashmir and National Conference had placed emphasis on this in its election manifesto also, and advocated for the acceptance of 1952 Delhi Agreement or the restoration of the pre-1953 political arrangment. The return to power of Dr. Farooq Abdullah in Kashmir with 2/3rd majority of National Conference after almost seven years in wilderness was a great occasion for the party.

In order to fulfil election promises, Dr. Farooq Abdullah set up a Committee under the Chairmanship of Dr. Karan Singh, Sadar-e-Riyasat to go into the question of quantum of effective autonomy that the state may enjoy within the Constitution of India. And to have a comprehensive into the State's relationship with the Centre as it evolved since it acceded to India.

The Constitutional relation between Kashmir State and the Indian Union was first determined by the Instrument of Accession signed between Maharaja Hari Singh - the last Dogra ruler and Lord Mountbatten a way back on 26th Oct., 1947. By virtue of this Instrument of Accession the Dominion of India's Legislature could make laws for the Kashmir State in respect to:-

A) Defence :

1. The naval, military and air force of the Dominion and any other armed force raised or maintained by an acceding state, which are attached to, or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of Cantonment areas.

3. Arms, fire-arms, ammunition.

4. Explosives.

B) External Affairs

1. External affairs, implementing of treaties and agreements with other Countries, extradition, including surrender of criminal and accused persons to parts of His Majesty's Dominion outside India.

2. Admission into and emigration and explusion from India.

3. Naturalisation.

C) Communication

1. Post and Telegraphs, telephones, wireless, broadcasting and other like form of communication,

2. Federal railways.

3. Marine shipping and Navigation

4. Port quarantine.

5. Major ports.

6. Air Craft and Air navigation.

7. Light Houses.

8. Carriage of passengers and good by sea or by air

9. Extension of the power and jurisdiction of the Police force belonging to any unit to railway area outside that unit.

D) <u>Ancillary</u>

1. Election to the Dominion Legislature

2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and Statistics.

4. Jurisdiction and power of all Courts with respect any of the aforesaid matters.

Later on, when the Constitution of India was being completed by 1950 certain principles were agreed upon the representatives. of both the Centre and the State in May 1949. The position was crystallised finally when the special provision Article 306-A was drafted forbeing placed before the Constituent Assembly of India. The position . ultimately emerged that Article 1 and Article 370 of the Constitution of India were to apply to Kashmir State in their original form. According to 370(1)(a) the Provision of Article 238 shall not apply inx relation to the State. By clause (b) the powers of the Parliament to make laws for the state shall be limited to (i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to crrespond to matters specified in the Instrument of Accessiongoverning the accession of the State to the Dominion of India and the matters with respect to which the Dominion Legislature may make laws for that state; and (ii) such other matters in the said lists as, with the concurrence of the Government of the x State the President may by orders specify.

Thus the Constitution (Application to Jammu & Kashmir Order 1950) issued on January 26th, 1950 with the Consultation of Jammu and Kashmir Government defined the jurisdiction of the Union Parlaiment and the provision of the Indian Constitution application to J&K. The subject matter of this order related to the elaboration of the subject already specified in the Instrument of Accession. To frame a separate Constitution, the Kashmir Constituent Assembly elected in October 1951, the monarchy was abolished and elected head of the State - Sadar-e-Riyasat was elected on June 12, 1952. The new falg or Emblem was also adopted by the State, and was also adopted by the Constituent Assembly of the State in June 1951.

In Jammu, Praja Parishad strongly objected to the provisions in the Constitution of India which awarded J&K State a special status. It also objected to the permission granted to the State to have its own Consembly to frame a separate Constitution. The Parishad leaders were critical and opposed the abolution of Monarchy, elected head of Sta e, separate flag and emblem for the State. The Praja Parishad movement for one President, one flag, one Constitution had a reaction in the Valley and Kashmiri leadership wee not in a mood of relinquish the maximum autonomy as guranteed by the Instrument of Accession as as well as under Art. 370 of the Indian Constitution. All this led to the emergence of bitterness and tug of war between Jammu integrationalists and Kashmiri autonomists. Even the misunderstanding between the State and Central leadership about the Kashmir constitution related with elections also emerged.

In order to iron out the differences a dialogue started between the Centre and State leadership, which resulted in the adoption of the Nehru-Sheikh Accord (Delhi Agreement) of 1952. As a result of the accord the residuary powers remained with the State, the State flag was to continue, but the supreme position of the Indian flag was also recognised. The powers of Pardon etc. of the President and application of Article 324 to the election of the Parliament would continue. On the question of headship of the state the decision of the Constituent Assembly of the State was accepted and Sadar-e-Riyasat to be elected by the Assembly for a period of 5 years and be recognised by the Preisent. It was further agreed that although under Article 5 of the Constitution of India the residents of Jammu and Kashmir would be the citizen of India but the State Legislature could define their permanent residents and confer on them special rights and privileges, especially in regard to the acquisition of property and holding of employment under the State.

The State Government was accused of implementing only those provisions of the Accord which aimed maximum autonomy. The Praja Parishad launched a movement. By and by the movement assumed serious proportion in which fourteen persons were killed in Police firing and thousands were arrested Sudden death of Dr. S.P. Mukherji in detention at Srinagar in mysterious circumstances worsened the situation. Simultaneously the rift was reported to have been emerged in the National Conference leadership. This had created the cracks even in Council of Ministers. The first popularly elected

ministry was sacked and Sheikh Mohammad Abdullah, Prime Minister of the State was arrested.

The leaders of opposition parties inside and outside the state do not favour the grant of Pre-1953 Constitutional status to Jammu and Kashmir. They are of the view that the Constitutional relationship between Centre - and State as incorporated in the provisions of Instrument of Accession 1947, different resolutions aopted by the Kashmir Constituent Assembly till August 1953, and under the Nehru-Sheikh Accord of 1952, serious limitation have been placed on the authority of the Union President and the Parliament. Objections were raised with regard to restricted powers of the Centre in respect of Emergency power, Fundamental Rights, Double citizenship and the Supreme Court jurisdiction.

While replying to the these who opposed Pre-1953 status Dr. Farooq Abdullah in his recent speech in the State Assembly, said that as his party has absoluted majority it could get legislation of such nature passed. But he preferred to get the cooperation of the masses. That was why a Committee under the Chairmanship of Dr. Karan Singh the former Sadar-e-Riyasat was constituted to go into the pre- and cons. of the issue before taking final decision.

While concluding I may say that the Pre-1953 constitutional position of J&K State will mean. The accession of the State with Indian Union only in three subjects - Defence, External Affairs and Communication. The Parliament will have no limited authority viz. to legislatue only on the

related matters covered in the above mentioned three subjects as well as ancillary matters. Article 1 and Article 370 of the Indian Constitution shall be applicable to J&K in its original form. The provisions of Article 238 shall not be applicable to the State. The powers of the Union Parliament to make law for the state shall be limited to those matters in the Union List and the concurrent List which in consultation with the government of the State, are declardd by the President to correspond to matters specified in the Instrument of Accessionand such other matters in the said lists as with no concurrence of the government of the State the President may by order specify. In rest of matters the state had full authority to regulate in accordance of its own Constitution that is the residury powers shall be with the state. The State shall have and elected head of the State, a separate flag, separate emblum, Article 324 for the election of Parliament could continue to apply. Although Under Article 5 of the Constitution of India the resident of the state shall be citizen of India. Yet the State Legislature could define their permanent residents and confers on them special rights and privileges especially in regard to the acquisition of property and employment in the State. Article 352 should apply to the State but the proclamation of emergency (Internal disturbances or imminent danger)thereof must not be made in relation to J&K except on the request or with the concurrence of the State Government. The Fundamental Rights of the Indian Constitution could not be applied to J&K in full because of different political situation in the state and because of Socio-economic Policies of the State government under

New Kashmir programme. The whole matter be considered which Fundamental Right would apply to Kashmir with what modifications.

The jurisdiction of the Supreme Court with regard to such Fundamental Rights as would be agreed to by the State, and also regarding disputes mentioned in Article 131 of the Indian Constitution. It would,however, final court of appeal and details for it to be worked out.

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ADMINISTRATION OF JUSTICE IN JAMMU AND KASHMIR

HAKIM IMTIYAZ HUSSAIN

AT the time when Gulab Singh, took over as Maharaja of Jammu and Kashmir state, the administration of the state was in a ruined condition. In the latter days of Sikh Administration, the affairs of the province had been sadly neglected. In spite of the fact that Gulab Singh was a strong and stern ruler, he faced a number of problems and difficulties to administer the state. He, however, engaged himself with determination to settle down the task of administration. He put down rebellion with a strong hand and order was restored in every part of the country. In Kashmir, the Maharaja took immediate steps to restore peace and tranquillity.

Maharaja entrusted the civil administration of the state to a Council of courtiers each of whom was put incharge of a department of the government. The administration of Justice was entrusted to executive officers, the Maharaja being the Chief Adawlte. He vested in him the power to hear cases in the first instance as well as in appeal against *nazrana* of rupee one presented with the petition.

He was the fountain head of justice and source of all authority.

After the death of Gulab Singh, his son Maharaja Ranbir Singh succeeded him in 1857 A. D. But he (Maharaja Ranbir Singh) did not, bring any material change in the basic structure of the administration set up by his father. He, however, made an attempt to democrate the various functions of the administration and separate departments were established for the army, foreign relations, home affairs and [illegible] endowments.

In the judicial field, Maharaja retained in himself the power to hear cases in first i[illegible] and in appeal and also established Chief Courts at Srinagar and Jammu. These courts were being presided over by 'Adwalattes'.

'The Judicial system, even after the appointment of the Chief Courts, was characterised by much abuse. Interference by the officers of every rank in the administratiion of justice was common and parochical procedures, which were derogatory to any principle of justice, continued to remain in vogue and guide the courts at every level in the dispensation of justice. Describing the judicial system, the Minister in charge of the law and courts in the state, wrote to the Government of India, a year after Maharaja Ranbir Singh died:–

> 'On taking over charge of the office of Judicial Member of the State Council I was surprised to find that it was singularly characteristic to the Courts to make the most unnecessary and vexatious delays in the disposal of cases and my first duty was to advert on their conduct in certain cases which came before me in appeal....... The presiding officers of the Courts had Judicial work performed by their clerks, and it has been with great difficulty that I have partially succeeded in getting them to record their proceedings in their hand. There are still a number of ignorant and illiterate Tehsildars and other officers, owing their employment to strong official influence, who would not and could not carry out my instructions.
>
> I have come across many criminal trials in which a single line in the form of judgement had never been recorded, while instances have repeatedly come to my notice of courts neglecting the rudest principles of equality and jurisprudence putting suitors to all sorts of annoyance..........
>
> A curious custom prevailed, enabling private persons to make money by laying information exposing the conduct of state servants. Such complaints are called "Khair-Khawal" and [illegible] entertained by the Criminal Courts without any reference to the department in which the [illegible] was employed. The officials, in a body, being addicted to mis-appropriaton of money re[illegible] by them in the courts of official duty, easily avoided investigation by bribing the informers, and the Darbar itself, not being well prepared to check corruption or recover money embezzed by its servants, such mis-appropriations where committed with impunity, so that at the present day there is hardly an official who, if a proper enquiry was instituted, would not have to account for his mis-conduct.

> Execution of decree is tedious, and, as no civil case is held to be finally decided until it is confirmed in appeal by the highest tribunals, which generally stayed till then. I will here say a few words regarding the laws in force. There is a penal code, but there is no code of criminal procedúcre. Similarly, there is a code of Civil Procedure, but there is no substantive code of civil law, nor is there any law of limitation............
>
> There is a clause in penal code under which a Magistrate could take cognizance of an act or omission not specified therein, if such act or omission appears to him to be objectionable in the cause of society and he may sentence the accused to a fine of Rs 25/- This gives Tehsildars and Revenue officers ample opportunities to pushing people for disobedience of order, contempt of authority, and other supposed offence............

Maharaja Ranbir Singh died in 1885, on 15th September, the officer on special Duty met Pratap Singh and conveyed him that the Government of India had recognised his accession to the throne and informed him that as the Government of India has found the existing conditions of affairs in the state as most unsatisfactory, it had decided to appoint a Resident Political officer in the state. Soon after it the relation between the Government of India and Maharaja Pratap Singh became strained. The Government of India began to show keen interest in the administration of the state. This happened because of two reasons. Firstly, that the 'British ruling class had begun to look at Kashmir from an international point of view. The Russian influence in Central Asia, in the opinion of the Government of India constituted the main threat to the security of India. In order to check the Russian Advance towards India across the North-West Kashmir was chosen to be the place from where the Russian advance could be effectively checked. Kashmir was to be brought under strict watch and hence the period of intervention started.'

Secondly, British interference in and control over Kashmir could be secured only if the Maharaja's independent status was changed. An independent ruler could never be tolerated, for that would create more complications for the Government of India in the pursuit of their foreign policy.

In 1889 Government of India deprived the Maharaja of all powers and authority on ground of corruption and mal-administration which was rampant in the state. He was forced to hand the state asministration to a council which consisted of five members, including a British officer to be selected by the Government of India. The council was to have full and sole powers in all public departments of the state for a period of five years.

Maharaja Pratap Singh, under complusion and against his free will, tendered his resignation in favour of council of state which was as under:—

> "Dear younger brother, possessed of much good manners Raja Amar Singh ji,
>
> Whereas for the good of the state, its better administration on the model of the great British Government is desired by us, we do hereby entrust all the administrative matters of the state of Jammu and Kashmir to members of Council, detailed below for a period of five years:—
>
> Raja Ram Singh
>
> Raja Amar Singh
>
> An experienced European to be appointed in consultation with the Government of India.
>
> Rai Bahadur Pandit Bhag Ram.
>
> The above mentioned Council shall exercise administrative powers in all departments of the state for a period of five years. In case of any vacancy occuring within the said period of five years in the post of the above mentioned last three members only, the vacancy will be filled up at our desire by the Government of India.
>
> After the expiry of the said period of five years, we shall have power to adopt such administration for the state as may to us appear proper.
>
> The said period of five years, will commence from the date of this *purwana*............"

The State Council was the final authority in all administrative matters. The main departments of the

administration were the Revenue, Judicial, Foreign and Military. The Revenue and Judicial departments were in respective charge of the Revenue and Judicial members of Council and the last two under Vice President. the Judicial member of the Council exercised the powers of "Adalat-ul-Alia" in Civil and Criminal matters. The Chief Judicial Authority in the provinces was vested in the provincial Chief Judges at Jammu and Srinagar (in Kashmir) who were under the direct control of the Judicial Member of the Council.

Origin and growth of High Court

In 1905 the Sixteen years old state council was abolished and the powers were restored to Maharaja Pratap Singh. This historic reshuffle in the administration of the state was announced by Lord Curzon, Viceroy and Governer General of India in Jammu on 25th Oct, 1905 during his visit to the state. Under the new arrangements the Maharaja became the final authority in all matters of administration including the administration of Justice.

The Indian Government, however, retained complete control over the Maharaja and placed a number of restrictions on him. He was to exercise his powers on the advice of the President and follow his advise and could appoint or remove all heads of the departments including the Chief Judicial officer only with the concurrence of the Government of India.

The Maharaja after regaining the powers, though with some restrictions he had prior to the establishment of the state council, distributed the business of the state among a fixed number of Ministers (including an officer with the designation of a 'Judge of the Jammu and Kashmir High Court').

The members of the Council began to be designated as Ministers with this distinction alone that the Judicial member instead of being styled as Judicial Minister assumed the name of the 'Judge High Court though for all intents and purposes it meant as such and enjoyed all the powers of the old council. The Judge High Court thus appointed was empowered to decide all judicial cases. "By this appointment first step was taken to separate the higher judicial functions from the executive but it was only in 1912 when the draft of the Criminal Procedure Code was approved and introduced into the state that High Court was statutorily defined as the Highest Court of Criminal appeals and revision subject to several powers of His Highness in matter of review and reference and further appeal. Inspite of the creation of the post of Judge High Court, the Maharaja continued to remain as the highest Judicial Authority in the state with the powers of passing even the capital punishment independently.

In September, 1920, the Maharaja again appealed to the Government of India for the restoration of full and un-restricted and unbridled powers.

Full power of administration was restored to the Maharaja by the British Government in 1921 on three conditions, which were:—

(i) the advice of the Resident would be accepted by the Maharaja whenever it was offered;

(ii) the Resident would inform of any important changes made in the existing rules and regulations, and

(iii) the Resident would be kept informed about the frontiers.

The formal ceremony in this connection was performed by Lord Chelmsford, the Viceroy in a Darbar held at Jammu on 23rd Phagan 1977.

The same year, the Maharaja ordered the consolidation of the existing laws and regulations in the state. An important measure, by virtue of which law and procedure with regard to the High Court was regularised was promulgated by him.

Subject to the control and judicial powers exercised by the Maharaja, the High Court existing in the state, was retained as the highest court ot appeal and revision.

This was done by regulation No: XL VI, Jammu and Kashmir state Civil Courts Regulations, 1921.

After the restoration of powers to Pratap Singh the Maharaja drew up a scheme for the re-organisation of his Government and submitted it to the Government of Inda for approval. The Maharaja proposed the appointmant of a council of Ministers to conduct the administration of the state, the institution of a Legislative

Assembly and the constitution of a high court of Judicature. The Government of India, possibily frightened at the prospect of finding a representative political instrument instituted in the state, hurriedly turned down the proposal made by the Maharaja. They, however, accepted the part of scheme which envisaged the re-organisation of the council and the establishment of a High Court of Judiciature. The scheme was embibed in the Sri Pratap Reforms Regulations which was promulgted by the Maharaja in January, 1922.

The Reforms Regulation envisaged provisions for the re-constitution of the High Court of Judicature in the state. The High Court was constituted of judges appointed by the Maharaja for a term which was also determined by him. Subject to the Judicial powers exercised by the Maharaja the court has vested with original and appellate jurisdiction in civil and criminal matters which the High Court in the State exercised under Sri Pratap consolidation Regulation and the Code of Civil Procedure and other laws in force at the time. The general superintendence and control over all other courts in the state was vested in the High Court. The Court was empowered to visit and inspect the proceedings of the subordinate Courts and give such directions to them in such matters as were not provided for by law to secure the administration of justice.

In 1921 State council was again revived to increase the efficiency of the administration and to afford the means for the association therewith of subjects of the state. All appeals and revisions both in the Civil and Criminal cases which lay to High Highness were again dealt with by the law member who submitted his opinion to His Highness.

EVOLUTION OF JUDICIAL SYSTEM IN JAMMU & KASHMIR

JAGMOHAN SINGH

THE rule of law and administration of justice was for the sake of name only in Kashmir. This was on account of phlegmatic attitude of both Afgan and Sikh rulers towards setting up a proper system of administration of justice. Neither, there was any code or procedure for guidence, nor any qualified (in legal matters) person to preside over law courts. Surprisingly, there were not even regular courts to administer justice. Any person occupying some position of authority would adjudicate the civil and criminal matters. Sometimes, even the illitrate persons, known for truth and fair play, were considered fit to administer justice. In a sense the adminstration of justice in the valley was just a ridicule.

Even during the first three decades of Dogra rule, the situation more or less remained unchanged. The judicial system continued to be artibitrary and medieval. Barring, courts of appeals in Jammu and Srinagar and a number of other subordinate courts, conserted efforts in this direction were best limited. However, with the organisation of state under the stewardship of Maharaja Gulab Singh, his successors and thereafter (after the Instrument of accession was signed); the adminstration of justice received a sincere ben...

The gamut of the present paper is to resume various histroical events in making ...'ministration of justice more effective and meaningful. The paper approaches the theme from the historical and legal perspectives.

Not to overload the paper, the discussion is restricted to the following heads:—

(1) Rule of one man with all judcial powers

(2) Establishment of Adalat-i-Alia (High Court)

(3) Organisation of High Court with one Judge

(4) Establishment of High Court of Judicature

(5) Judicial system under the Jammu and Kashmir Constitution Act, 1939

(6) Judicial system under the Constitution of Jammu and Kashmir, 1957

(7) Extension of jurisdictions of Supreme Court of India to Jammu and Kashmir from time to time

(1) RULE OF ONE MAN WITH ALL THE JUDICIAL POWERS

It was only at the time of Maharaja Gulab Singh that the concerted and serious efforts towards the adm. of justice became apparent. It is very rightly said that he was a founder rather than a reformer. He was fully aware of first and foremost responsibility of a king to administer justice. There were no regul r courts nor any code of procedure for guidance. Maharaja himself was the legislator. However, the existingg customs and other legal practices were followed. Besides the common sense, there were Hindu and Muslim laws and orders of Maharaja. There was no provision to record the statement of proceedings. Cases were u... ...dged, comm...ted, represented and decided verbally.

Besides, the detection of crimes by Thanadars and Kotwals, and collection of land revenue by Kardars, they also acted as Niginal or the court of first instance within their jurisdiction. The Maharaja himself was the highest court of appeal. Any party aggrieved by the decision of Thandars, Kotwals or Kardars, was at liberty to prefer an appeal to the Maharaja. The justice was expeditious and cheap. In petty matters, the judgement was announced on the spot. On the basis of account of some eye-witness, the Maharaja decided the cases late till night under the light of torches. It is widely accepted that the Maharaja never lost his patience at the time of hearing a case and any one in the crowd drew his attention by shouting, 'Maharaja Arz Hai' that is 'Maharaja, I have a petition.'

The easy accessibility of Maharaja resulted into cheap and expeditious justice even to poor and down trodden segments of society. This made the dispeners of justice more vigilant and conscious in the functioning because they knew otherwise, they would be exposed to the danger of incurring the displeasure of Maharaja. As stated elsewhere, Maharaja was not very keen of laws and procedures but wanted justice to done so fairly at the first stage that no party prefers to go far on appeal to him.

(2) ESTABLISHMENT OF ADALAT-I-ALIA (HIGH COURT)

Before Maharaja Ranbir Singh there were no regular courts and laws. In addition to Hindu and Muslim laws and orders of the Maharaja, the prevailing customary law and legal practices were also followed. Maharaja Ranbir Singh expressed his concern to improve the judicial system from the day he ascended the throne. This is also corroborated by his talks recorded by Sir Richard Temple. According to him, "The Maharaja was endeavouring to improve the judicial system and that he had doctors of Hindu and Mohammedan laws in the work." Besides, the Maharaja also reorganised the traditional system of administration and divided the administration into various departments *viz., Daftar, Nizamat -Diwani* and *Daftar - Jangi*. The administration of justice was kept under the charge of *Nizamat* department. Apart from this, regular courts with defined powers were established. The Laws were framed and *Chakladars* were appointed at every police station so as to dispose off petty civil and criminal cases. It was during Sri (Ranbir Dandbidhi) this period that a penal code was enacted in the state. It was drawn upon the lines of Macaulay's code.

In order to further strengthen the administration of justice and place it on firm footing an *Adalt-i-Alia* (High Court) with well defined powers was established in the state in 1877. It was laid down that for the purpose of all enactments for the time being in force, this court would be deemed to the highest court of appeal or revision, subject to the control and the judicial powers exercised by Maharaja. The court was also vested powers of general Superintendence of lower courts.

By the end of 1885 an Adalat Sadar (Chief Court) was established one each at Jammu and Srinagar. The judges of such *Adalats* were directly under the control of the Governors of their respective provinces. The advice of Governors was sought and was binding on all the important cases.

Besides the penal code, the State Civil Procedure Code and Criminal Procedures Code were also enacted and enforced during this period.

The dispensation of justice became expeditious and cheap. In cases carrying punishment for more than five years, a direct order from the Maharaja was required. In capital cases the Maharaja was aided by the advice of members of jury. The parties were at a liberty to present even petty matters directly before the Maharaja without approaching the subordinate courts at the first instance. There were in all about twenty five courts in the State and out of which fourteen were *Wazarat* courts.

Despite the above mentioned reorganisation and periodical improvement in the administration of justice, all the judicial polities, like the executive and legislative, still vested with the ruler. Thus he had a total monopoly of judicial powers.

(3) ORGANISATION OF A HIGH COURT WITH ONE JUDGE

Although some improvements were made in the area of administration of justice during the time of Maharaja Ranbir Singh, but it (administration of justice) was far from satisfactory. The laws were inadequate and the jurisdictions of the courts were ill defined. The adjournments during trials (both civil and criminal) were frequent at the pleasure of presiding officer. The courts were suspceptible to pressure from influential people and officials. As a result, the common masses lost faith in the system of administration of justice.

It was only during the time of Maharaja Pratap Singh that the judicial system was thoroughiy reorganised. The laws were redrafted and codified the mixed court which was established in 1873 was abolished. The resident was vested with power to dispose off civil suits no matter whether both or one of the partes were British subjects. The civil procedure code of 1873 was modified and improved by the Maharaja in 1896 through Council of Ministers. Another significant development of the period was the establishment of a High Court in 1897 consisting of one judge, who was also a Judicial Minister. Appeals from it were filed before His Highness in Council.

(4) ESTABLISHMENT OF HIGH COURT OF JUDICATURE

Maharaja Hari Singh, who ascended the throne in 1925 after the death of Maharaja Pratap Singh, took a keen interest in the improvement of administration of justice right from the beginning. He took special care to ensure the administration of justice was cheap, expeditious and pure. The State judiciary was modelled on the pattern prevalent in the British India. The year 1928 was a turning point in the history of administration of justice in the state. A High Court of Judicature with considerable enlarged powers on the lines of the High Courts in British Indian Provinces was established in March, 1928. It was one of the most important events of that time.

The Court susperseded the Adalat-i-Alia, which had been functioning since 1877. The basic idea of establishment of the High Court of Judicature was to tone up the administration of justice.

The High Court of Judicature was to consist of a Chief Justice and two judges, appointed by the Maharaja. A constitution with twenty-three sections was published enumerating various powers of the High Court and the judges. The High Court, under the constitution exercised the power of superintendence and control over its subordinate courts, and all the courts of the state, except those of Poonch and Chanehni *Jagirs* which were within the exclusive jurisdiction of the High Court. However, the jurisdiction of the High Court was also extended to these *Jagirs* in July, 1940.

The Maharaja exercised vast powers over the High Court. So much so that the Court could not grant leave or transfer subordinate judges and Munisifs except by his approval. In matters of appointments, salary and other emoluments of the High Court Judges, the Maharaja's decision was final. Even the reduction, suspension or dismissal of judicials was subject to his approval. Likewise, admission and enrollment of advocates, vakils and attorneys - at law were also subject to the limts fixed by the Maharaja and their qualifications were also fixed by him in consultation with the judges of the High Court.

The High Court was also a court of record. The civil and criminal powers of the High Courts were considerably extended after 1928. The court was also a court of reference and revision and heard all cases referred to it by the District and Sessions Judges or by any other judge authorised to do so. It was empowered to order the transfer of any criminal case from one court to another and direct the preliminary investigation or trial of any criminal case by any competent court. It could even set aside acquittal of some one and order a retrial. The court had full powers to revise any case and alter the sentence passed by the court of original jurisdiction. It was also the highest court of appeal in civil, criminal and revenue matters. However, sentences of death or life imprisonment were submitted to the Maharaja for confirmation in accordance with the provision of the code of criminal procedure.

(5) JUDICIAL SYSTEM UNDER THE JAMMU AND KASHMIR CONSTITUTION ACT, 1939

The promulgation of the Jammu and Kashmir constitution Act on Sept. 7, 1939, by His Highness the Maharaja Bahadur was a milestone in the archives of the State.

Part IV of the Act, 1939 dealt with the judiciary in the State. Under the Act, the High Court, which was established by His Highness in 1928 continued to be the High Court for the State. It consisted of a Chief Justice and two or more other judges as His Highness may from time to time think fit to appoint. The Act did not lay down any maximum number but provided that the minimum number of judges at any time would be three, including the Chief Justice. The power to appoint the judges was vested in His Highness, and unless His Highness otherwise directed, the judges were to hold office until they attained the age of fifty-five years. A judge could be removed from his office by order of His Highness on the ground of misconduct or of infirmity of mind or body. This provision opened the way of the executive interference in the judiciary.

However, the legislature has no control in the judiciary. Section 37 provides : "No discussion shall be allowed in the Praja Sabha with regard to the conduct of any member of His Highness Board of Judicial Advisers or if any Judge of the High Court in the discharge of his duties." All writs, summons, precepts, ruler, orders and other mandatory processes to be used by the High Court issued in the name of His Highness and were sealed with the seal of the High Court.

Section 56 of the Act dealt with the jurisdiction of the High Court and provided :

(1) The High court is Court of record;

(2) The High Court shall have jurisdiction to hear and determine any original civil suit or other proceeding of which the value is not less than rupees ten thousand and every such proceeding shall be instituted in the High Court;

(3) The High Court shall have jurisdiction to entertain and dispose off such appeals, revisions and other cases—civil, criminal or revenue — as it may be empowered to do so under any enactment in force in the state.

Appeals from the lower courts lay to the High Court and sec. 60 provided ; (2) an appeal from any original Decree or from any order against which an appeal is permitted by any law for the time being in force passed or made by a single Judge of the High Court lie to a bench consisting of two other judges of the High Court ;

(4) Unless such an appeal is prohibited by any enactment for the time being in force, an appeal from an appellate Decree made by a single judge of the High Court shall lie to a Bench consisting of two other judges of the High Court, where the Judge who passed the Decree declares that the case is a fit one for appeal.

However, the High court was not the final interpreter of the constitution. Section 75 provided: " If any dispute, arises as to the interpretaton or carrying out any of the provisions of this Act or the rules made thereunder, the decision of the Council, subject to the provisions of Section 5 (relating to the inherent powers of His Highness), shall be final.

Therefore, unlike other Indian States, in Kashmir the Council of Ministers was the custodian and guardian of the constitution.

(A) ESTABLISHMENT OF HIS HIGHNESS BOARD OF JUDICIAL ADVISERS

Another progressive step towards the development of judicial adm. in the state was taken by promulgation of Jammu and Kashmir Contstitution Act of 1996 (1939 A. D.). The Act established a Judicial Advisory Board to advise Maharaja on the disposal of appeals referred to him from the decisions of the High Court, and on all such matters as the Maharaja " may choose to refer to such Board for advice." The Maharaja appointed members of the Board and fixed their salaries and other conditions of service. The Act also empowered the Maharaja to make rules for filing appeals, determining the place and period of the sessions of the Board, and hearing such appeals and other matters as were referred to it for advice. He could also make rules for arriving at a decision when the members of the Board were evenly divided. He had also the power to appoint any person as an ex-offico member of the Board to discharge its functions when it was not in session. The Board could, with his approval, add to, alter, or amend the rules of procedure.

The Board of Judicial Advisors was usually presided over by the President of the Board. The members always heard the cases with the utmost patience, and the public reposed full confidence in this Board. In almost all the cases the Maharaja followed the advice of its members.

As a judicial institution, the Judicial Advisory Board was unique among the courts of the state. The range of its jurisdiction was broad because it heard appeals against the decisions of the High Court. The Board did a yeoman service to the people. The Board discharged the same functions in the State which were performed by the Privy Council in British India. That is why it was called a "Proto-type of the Judicial Committee or the Privy Council of England. It was exceptionally distinguishable that the State of J&K had such a high tribunal to hear appeals against the decisions of the High Court.

(B) GRANTING OF LETTERS PATENT TO HIGH COURT

Another significant development in the evolution of judiciary in the State was the granting of Letters Patent to the High Court in Aug., 1943. It virtually separated the judiciary from the executive control and placed it directly under the Maharaja. The P.M. was the only channel of communication between him and the High Court. The Letters Patent excluded an appeal to the Maharaja from the judgement of a single judge of the High Court from which an appeal laid to a full bench. The intention was that no appeal should lie direct to Maharaja from a single bench decision unless the remedy of appeal to a Division Bench was availed of. If the

single judge granted leave and an appeal was preferred to a Division Bench then a further appeal could be heard by the Maharaja. If a single judge refused leave, his decision became final and the aggrieved party could apply to the High Court, for leave to appeal. Such an appeal, being refused, he could apply to the Maharaja for special leave.

(c) Appeals to His Highness's Act, 1939 Civil Cases:

This Act of 1939 provided that appeals in civil cases should lie to His Highness (a) from any decree or final order passed on appeal by the High Court, when the value of the subject matter of the suit in the court of first instance and in dispute on appeal to His Highness was five thousand rupees or more, and also when the Decree or final order involved directly or indirectly, some claim or question to, or respecting, property of like amount or value. No appeal lay when the Decree or final order of the High Court affirmed the decision of the court immediately below, unless the issue involved some substantial question of law. A person willing to appeal to His Highness had to apply by petition to the High Court within 90 days from the date of the Decree or the final order of the High Court appealed from. The High court may refuse to grant a certificate that the case was fit for appeal to His Highness and petition in such cases will be dismissed. Where, the High Court granted a certificate, it declared the appeal admitted and transmitted the petition with its orders and the full record of the case in all courts to the Board of judicial Advisors. The Board would hear the appeal, record its opinion and submit the same to His Highness for final orders.

Criminal Case : The Act made provides for appeals to Highness from an order of the High Court in a criminal case which a sentence of death or imprisonment for life was passed or upheld by the High Court and the case was certified by the High Court to be fit for appeal to His Highness. In the criminal case also the convicted person applied by petition to the High Court, praying for a certificate that the case was fit for appeal to His Highness. However, the time limit for filing such an appeal was ten days from the date of the order of the High Court appealed against. The High Court was empowered to dismiss the petition, but if the appeal was allowed, the procedure was the same as in a civil case.

(6) Judicial system under the Constituion of Jammu and Kashmir

The accession of Jammu and Kashmir to India was followed by promulgation of the Constitution (Application to Jammu and Kashmir) order , 1950, by the President of India, specifying the provisions of the Constitution of India which were applicable to the state. Entry 78 of List I of Seventh Schedule of the Constitution of India deals with the exclusive power of the Union Parliament to legislate on the constitution and organisation of the High Court in the States. This was not extendable to Jammu and Kashmir by virtue of order of 1950. Therefore, the composition and organisation of the High Court remained within the exclusive jurisdiction of the state. Arts 131 and 132 of the Const. of India, dealing with the original jurisdiction of the Supreme Court of India in disputes between the Govt. of India and the State or between the States *inter sp.* and the appellate jurisdiction of the Supreme Court in constitutional question only were applied to the State of Jammu and Kashmir. The Supreme Court had no other jurisdiction in the State.

The Delhi Agreement of 1952, extended the jurisdiction of the Supreme Court of India in relation to the State. In May, 1954, the President of India issued the Constitution (Application to Jammu and Kashmir) order, 1954. This order superseded the Constitution order of 1950 and dealt with the entire constitutional position of the state within the framework of the Constitution of India. Under this order, besides the power to issue writs for the enforcement of the fundamental rights, the jurisdiction of the Supreme Court was further extended by giving it the jurisdiction in matters of appeals from the High Court but the Supreme Court was not to have power to grant "special leave" for appeal from any court or tribunal in Jammu and Kashmir State" under the provisions of Art 136 of the Constitution of India. This Article was, however, applied to the State by Constitution (Application to Jammu and Kashmir) Amendment Order, 1960, with effect from 26 - 1 - 1960. In 1954, judicial authority of (His Highness) Board of judicial Advisers was abolished, and all appeals and proceedings pending before such board at the commencement of the order of 1954 were transferred to the Supreme Court of India.

In 1957, the Constitution of Jammu and Kashmir came into force. This constitution also provided for a judicial structure with an independent High Court at the apex. The High Court of Jammu and Kashmir consists

of a Chief Justice and two or more other judges but provides that the minimum number of judges of the High court, excluding the Chief Justice at any time will be two. The appointment of the judges is made by the President of India in consultation with the Chief Justice of India, the Chief Justice of Kashmir and Sadar-i-Riyasat (now the Governer). However, in the case of appointment of Chief Justice of Kashmir only the Chief Justice of India and Sadar-i-Riyasat are consulted. A judge of the High Court may resign his office by wiriting to the President of India. A Judge of the High Court could be removed by an order of the President of India after an address for his removal supported by a two third majority has been passed by each House of the State Legislative on the grounds of "Proved misbehaviour or incapacity." But this provision has been repealed by the constitution of Jammu and Kashmir. (First Amendment) Act, 1959. By this amendment, the removal of the judges of the State High Court can only be made after an address for their removal has been passed by Parliament of India and presented to the President in accordance with Article 124(4) of the Constitution of India.

Neither the Constitution of Jammu and Kashmir nor the order of 1954 contain any provision regarding the transfer of judges from or to the Jammu and Kashmir High Court. However, the Constitution (Applicable to Jammu and Kashmir) Amendment Order, 1960, made Article 222 of the Constitution of India, which deals with the transfer of judges from a High Court to other courts in India applicable to Jammu and Kashmir with effect from 26–1–1960. This application, however, is subject to a condition that any such transfer shall be made after the consultations with the Governor.

JURISDICTION AND POWERS OF THE HIGH COURT

The High Court of Jammu and Kashmir in a court of record. Section 94 of the Constitution of Jammu and Kashmir declares : "The High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself, or of the courts subordinate to it." Therefore, the contempt proceedings come under the original jurisdiction of the High Court.

The jurisdiction of the High Court of Jammu and Kashmir under the 1957 constitution extends to any suit or proceeding of value of twenty thousands rupees or more. The High court has also the jurisdiction to entertain and dispose off such appeals, revisions and other cases— civil, criminal and revenue, as it may be empowered to do under any enactment in force in the State. Appeals from the lower courts lie to the High Court and the procedure for filing these appeals is contained in the Letters Patent. Similarly, Section 103 of the Constitution of Jammu and Kashmir empowers the State Court to issue writs., orders, directions etc., for any purpose other than those mentioned in Art. 32(2A) of the Constitution of India is that the High Court of Jammu and Kashmir has power to issue writs etc., (a) for the purpose of the enforcement of the Fundamental Rights and (b) for any other purpose. Thus, the High Court of Jammu and Kashmir does not derive its powers to issue prerogrative writs from Article 226 of the Constitution of India only. It can issue writs for purposes other than for enforcing. Fundamental Rights by virtue of Section 103 of the State Constitution. These writs can, however, be issued only within the territorial limits of the jurisdiction of the High Court.

The High Court has also the power of superintendence over all courts for the time being subject to the appellate or revisional jurisdiction of the High Court. Under Sectgion 105 of the State Constitution it is obligatory for the High court to withdraw form the subordinate Court all cases which involve questions of law as to the interpretation of the Constitution. It means, as elsewhere in India, the subordinate courts have been derived the sight to interpret the constitution. The High Court becomes at the same time the interpretor and guardian of the Constitution.

Extension of Jurisdiction of Supreme Court of India to the State of Jammu and Kashmir from time to time :–

The Supreme Court of India occupies the same position and status in Jammu and Kashmir as in rest of India and is the final court of appeal for the State also (Constitution of India, Art. 132). The civil and judicial authorities of the State act in aid of the Supreme Court (Id. Art. 144).

The original and appellate jurisdiction of the Supreme Court extends to the State of Jammu and Kashmir as in other States in India. However, there is a slight difference with respect to appellate jurisdiction in case of criminal matters. In case of other States, the Union Parliament may at its discretion by law-confer on the Supreme Court some additional powers to entertain and hear appeals from any judgement, final order or

sentence of High Courts in criminal matters. However, in case of Jammu and Kashmir such additional powers can be conferred by Union Parliament only on the request of State Legislative (Constitutional Order 48, Sec. 2 (5) (d)

The right of appeal by special leave under Art. 136 has been extended to the State of Jammu and Kashmir with effect from 26th January, 1960 (Constitutional Order 60). The advisory jurisdiction of the Supreme Court under Art. 143 extends to the State from the commencement of the constitution (Application to J&K) order, 1954.

When the negotiations for the application of Constitution of India to Jammu and Kashmir were in progress, the decision on the application of fundamental rights to the citizens (Parliament residents) of State remained undecided. It was only in 1954 that the State Government agreed to adapt fundamental rights enshrined in the Constitution of India, however, with some modifications. The enforcement of fundamental rights necessitated the machinery for rederessal in case of their infringements. Accordingly, Art, 32 which confers upon the Supreme Court the power to enforce the fundamental rights by issuing writs, orders or directions, was extended to the State of Jammu and Kashmir. Likewise, to ensure the enforcement of the fundamental laws within the territorial jurisdiction of the State, the High Court in the State was granted power to isssue writs, order or directions.

Thus the sole purpose of extending the writ jurisdiction of the Supreme Court was to secure, the enforcement of the fundamental rights only.

A close scrutiny of the foregone substance emphatically reveals that no society is static and immune to socio-economic and political developments. The society has to keep pace with new environ. The history holds testimony to a long evolutionary course of changes which the advanced societies/nations had to undergo before their transforamtion from a medieval into a unified and modernised nations with a well defined Constitutional and Legal System. Consequently, a shift in the administration of justice became paramount. The shift pseudopadia gradual and imperceptible marked not by violences, upheavals, revolution and like. The shift was from brutality to renaissance.

This shift or change in the administrtion of justice also became apparent in the State of Jammu and Kashmir. As stated elsewhere, before the valley of Kashmuir was transferred to Maharaja Gulab Singh, the administration of justice was infact unknown. There were no regular courts, no code or procedure for guidance, nor any trained person to administer justice. Any person known for his integrity and wisdom presided over the cases and dispersed justice. In a sense the administration of justice was a mockery in the valley.

Even during the first three decades of Dogra rule the situation remained unchanged. However, with the organisation of state under the stewardship of Maharaja Gulab Singh, his successors and therefore, the administration of justice received a sincere benefaction.

The establishment of Adalat-i-Alia (High Court) in 1877 was one such step in strengthening the Administration of Justice. This was followed by over-hauling and reorganisation of entire judicial machinery. During this period, besides the Penal Code (Ranbir Penal Code), the state Civil Procedure Code and Criminal Procedure Code were also enacted and enforced. The establishment of a High Court of judicature in the year 1928 was another progressive and a landmark event in this direction.

Yet, another significant development in the evolution of judiciary in the state was the grant of letters patent to the High court in 1943. It virtually separated the Judiciary from the Executive control and placed it directly under the control of Maharaja.

Under the Constitution of Jammu and Kashmir, 1957, considerable and landmark changes were introduced in the judicial structure with an independent High Court at the apex.

Initially, only the original and appellate jurisdiction of the Supreme Court of India were extended to the State of Jammu.and Kashmir by Constitution order, 1950. However, by Constitution orders of 1954 and 1960, both advisory jurisdiction as well as right to leave by special leave were also made applicable to the state. Likewise, the power of Supreme Court of India to enforce the fundamental rights by issuing writs, orders or directions under Art 32 was also extended to the State.

Thus it is inferred that judicial system in the State of Jammu and Kashmir has also undergone an evolu-

tionary process with the change of rulers/administrators/or system of governance, the judicial system also experienced changes before it blossomed into a mature legal system.

REFERENCES

1. A.S. Anand, *The Constitution of Jammu and Kashmir. Its Developments and Comments* (Reprint) (1977).
2. Hari Om, *Judicial Administration in the Jammu and Kashmir, State,* (1979).
3. K.M. Panikar, *The Founding of Kashmir State (1953).*
4. G.L. *Kaul,* Kashmir *Through Ages* (1963).
5. Sukhdev Singh Charak, *Life and Times fo Maharaja Ranbir Singh of Jammu and Kashmir* (1985).
6. Mehar Chand Mahajan, Looking Back (1963).
7. G.L. Kaul, *Kashmir then and now* (1977).
8. D.D. Basu, *Commentary on the Constitution of India Vol. 5* (1964).
9. Vidya Bhushan, *State Politics and Government Jammu and Kashmir* (1985)
10. P.N. Bazaz. The *History of Struggle for Freedom in Kashmir* (1954).

FRAGILE AND FRAGMENTED PARTY POLITICS IN SOUTH ASIAN DEMOCRACIES

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Contemporary democratic political system essentially derives its strength, sustenance and necessary inspiration from organised ~~(party system which)~~ political parties which ~~are not only~~ articulate public opinion and views, aggregate public interests ~~but~~ and also help to resolve differences and social conflicts among the various classes of people. They, therefore, not only act as a link between ruling elite and the people at large but also ensure the political stability of a democratic political system. In other words political parties being association formally organised with the explicit ~~and/or~~ and declared purpose of acquiring and/or maintaining legal control either single or in coalition or electoral competition with other similar associations over the personnel and the policy of the govt. of an actual or prospective sovereign state,[1] are[2] notably ~~life line of modern politics but has~~ brought about a profound transformation in the structure of political regimes[3] but also act as a life line of modern politics[4]. ~~That is why~~ That is why Totalitarian or democratic,

1. Coleman J and Rosberg C: Political parties and National Integration in Africa (Edt) University of California Press 1964 P.2
2. Duverger, Maurice: Political parties: Their organization And Activity in The Modern State Methuen, London 1959 P-352
4. Neumann, Sigmund: Modern Political Parties: Approaches to Comparative politics (Ed) University of Chicago Press, Chicago, 1956 P-1

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and which came to live light in developed democracies with the growth of democratic trends like constitutional and representative govt.s and was also the result of extension of suffarage to virtually all the adult population."[2]

2. (Greenstein, Fred; Polsby, Nelson W: Handbook of political Science Vol. 3 Vesley publisher's Company London 1975 P-23)

developed or under-developed, large or small all contemporary ~~modern~~ nations have turned to the political parties as an essential institution of their political systems.[5]

While the party politics in Western democracies had been internally created phenomena owing to the growth of democratic trends, in Third world democracies it has ~~been~~ generally been extra-legal or extra constitutional to fulfil the political aims of various types of individuals. The parties, thus, grew up there as national movements to fight for national independence and to drive out the colonial powers.[6] They, therefore, had anti-foreign character and in many cases refused to cooperate with the ruling foreign power in its proposed system of parliamentary democracy.[7] During their freedom struggle there was no system to support the creation of political parties, no legitimacy of governmental procedure within which the parties could operate and to which they could give their support. Moreover, there was little experience of representative govt., no ~~a~~ sense of citizenship defining, no common rights to give rise to legitimate expectation of participation and finally even the stark ~~stock~~ and close memory of colonial rule had inculcated a propensity for conflict rather

5. Almond, Gabriel A., Powell, G. Bingham: *Comparative Politics – A Developmental Approach* Oxford And IBH Publishing Co. New ~~York~~ 1968 P-113.

6. Maheshwari, SriRam: *Comparative Govt. And Politics*. Lakshmi Narain Agarwal, Educational Publisher, Agra. 1980 P-132.

7. Johri, J.C.: *Comparative Govt ~~Govt and~~ Politics* Sterling Publishers, 1978 P-92

~~South Asia like~~

than compromise[7]. In addition the parties in the third world nations had to deal with problems not experienced by the parties in the west such as struggling for independence, framing of the constitution, creation of governmental institutions suiting their needs, taking fundamental decisions on infrastructural development of newly liberated nations.[8]

~~party system in south Asia, like that of other third world nations is, therefore, the out come of this its historical circumstances.~~

The party system in the South Asian nations, like that of other developing nations, is the out come of their historical circumstances. ~~At the time of inception~~ Most of them came into being as a small body of men to oppose their colonial masters or serve them. By and by they not only assumed the nationalist character, ~~but~~ succeeded in throwing out the yoke of salavery ~~from foreign ruler imperial powers, but also~~ acquired power after the exist of foreign colonial rule, ~~but~~ also established quasi-democracy ~~[illegible]~~ under one party's dominance in their respective countries but also tried to copy the western democratic procedures as well as their political institutions. Some of them, however, could not retained the democratic set

[7] for undisputed ~~allegiance~~ eligibility and loyalty from their masses.

8 7. Macridis, Roy C : Political parties : Contemporary Trends and Ideas (ed.) Harper Torch Books New York 1967 P-16.

9 8. Maheswari, Sri Ram : Comparative Govt. And Politics op. cit P-132.

(5)

up, borrowed from the west, because of facing peculiar Socio politico-economic problems, and inter-religious, inter-regional, inter-racial and the factional fights and the fight among their leaderships to capture power even at the cost of party discipline. All this not only weakened the then existing nationalist parties but also caused split in them and the emergence of new political parties with divergent political interests and to confront the ruling party. It is, therefore, most desirable to examine and analyse "The Fragile and Fragmented party politics in" the third world nations in general and in South Asian democracies in particular.

The South Asian region, dominating the half of the northern Indian ocean and extending from the Persian Gulf to the straights of Malacca, comprising 44,6800 sq km, including Bangladesh, Nepal, Pakistan, Bhutan, the Maldives, Sri Lanka and India occupies an important strategic location.[9] It has, therefore, been a hotbed of international politics and conflicts for years together particularly in post world war second.

P.T.O.

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10 A. parmar, B.H: An Introduction To South Asia Methuen London and New York 1983 P.1

The countries of the region, ~~therefore~~ generally represent similarities in their cultural, political, administrative, legal, and economic structures because of their common colonial domination and their historical emergence as independent nation states after successfully fighting struggles for their emancipation. ~~In other words~~ As a result these nations and their people are bound together by common bonds of historical ties, religious, ~~and~~ cultural traditions, linguistic affinities, ~~and~~ common values and social norms[11 10]. In spite of all these, the problems faced by their people are of varied nature and widest interests of their own[12 11].

11 ~~10~~. Anand, R.P. : South Asia – In Search Of A Regional Identity Banyan publications, New Delhi 1991 P.P 3-4.

12 ~~11~~. Farmer. B.H. An Introduction To South Asia op.cit. P - I.

Deliberate efforts were, however, made by the colonial powers to change the religio-socio-economic culture and political characters of the South Asian Societies to protect their own vested interests and to further strengthened their ruthless and merciless rule in their South Asian Colonies. Moreover, the imperialist powers not only introduced ~~their~~ western education there ~~with~~ to change ~~their~~ customs ~~of Asian people~~ the people of the people which were repugnent to their own interests, but also made a humble beginning of modernization process by instablishing democratic institutions simply to neutralise the violent independence movements of the native people[13]. During the world war second, when the colonial powers became fully convinced that they could ~~not further~~ no more keep this region under their heels, they decided to quit gracefully by handing over ~~an~~ power to the most populous political parties in these nations. The new governments, thus, established which ~~are~~ not only accelerated the socio-economic development ~~of~~ in their respective ~~nations~~, countries but also. ~~like other world~~ established the democratic system.

13. Schwartz, Berg J: A Historical Atlas of South Asia (ed.)
Chicago & London P-104.

(2) ⑧

The plusalistic democracy, which was established in Nepal in 1959 on the instance of panchayati system, did not last long and terminated in 1960. It was followed by partyless democracy, which vehemently objected party politics ~~as it~~ because of fostering factionalism,[14] ~~to~~ and facilitated king's direct involvement in national politics.[15] Political parties, realising their irrelevance to the panchayat system, therefore, ~~boycotted~~ did not take part in the General Elections. Although not accepting the partyless system, yet the leaders of the parties particularly the Nepali Congress, decided to take part in the election in 1987.[16] As the local elections were less political in nature, the political parties' effort to politicising the elections could not succede.

The Nepali Congress in claboration with United Left Front, however, precipitated ~~launched~~ and ~~movement~~ a pro-democracy movement in 1990,[17] which ultimately compelled the king to strike off the partyless system and to announce a new Constitution. The bases of the new constitution are sovereignty of the people, constitutional monarchy, multi-party system and fundamental freedom of the

14 ~~13~~ The Hindustan Times, New Delhi April 14, 1990
Arbindo Ghose's article "Democracy in Nepal"

15 ~~14~~ Delury, George E: ~~Dixit, Kanak Mani~~ World Encyclopaedia on political system op cit. p. 708
Kanak Mani Dixit article 'Kingdom of Nepal'

16 ~~15~~ Asian Survey Feb 28, 1988 p. 173
& ~~Basa~~ Lok Raj Baral's Article "Nepal in 1987"

17 ~~16~~ Indian Express, New Delhi Nov. 29, 1990, Parmanand article: 'Nepal's Hope And Fears'.

(18) (17) ~~the people.~~ Thus, a democratic polity has ~~was~~ established and the peoples pushed into an era of electoral politics once again. The first multi-party elections, under the new Constitution was held in May 1991, in which Nepali Congress got simple majority i.e 110 in 205 members house and formed govt., and a new party – United Marxist Leninist (UML) came into being by the merger of Nepali Communist party and the Communist party of Nepal (Marxist-Leninist) ~~and got~~ with 69 seats. 18 ~~17~~

Thus, party system in Nepal ~~is~~ also appears to be crucial as it has given a definite shape to the politics of the country. If the parties fragment themselves further they would prepare a ground for the Royal intervention and the King might become ambitious for undoing the democratic process.

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17. The Frontline – Journal New Delhi, June 8-21, 1991 P-11 S.K Pande Article ~~Pande, S.K.~~ 'Nepal's New Order' – An Experiment in Democracy.'

~~(The party politics in Bangladesh has always under strain except for short interludes when army suspended the political activities.)~~

The multi-party parliamentary democracy had, however, been established in Bangladesh right from its independence in 1971. Even 1972 Constitution also ensured free functioning of the parties. The Awami League, the then ruling party, had ~~maintained its~~ continued to maintain its domination in the first three years after independence because of weak, fragile and undisciplined opposition parties exhibiting factional schism.[19]

The democratic process was undermined in 1975 by Sheikh Mujibur-Rehman who made a reverse turn from of a multi-party parliamentary system to a one-party presidential system. He, thus, disbanded all other parties and renamed Awami-League party as the Bangladesh Krishak Sramik Awami League (BAKSAL) and declared that Bangladesh would henceforth be a one party state like African Countries.[20] this resulted a coup d'etate of August 1975 in which not only Sheikh Mujib and most of his family members assassinated, BAKSAL was dissolved

19. Jahan, Roanaq : Bangladesh – problems and Issues. (Ed) Dhaka University press (Ed) 1980 p-106.

20. Chakravarty, Nikhil : Bangladesh – Groping for Democracy Article Hindustan times New Delhi March 1991.

~~but a bane was also imposed on the party~~ but ~~also~~ a bane on the party was also imposed which continued till 1977[21]. The political parties regulation order of 1976 had been repealed in Nov, 1978 and the parties were allowed to be organised. But in Dec 1978 ~~once again~~ a bane was once again imposed on the political parties organised with foreign assistance. As a result groupings, re-groupings, alliances and defections took place in the party politics and the Bangladesh Nationalist party under the leadership of Zia-ur Rehman ultimately came into being with the merger of diverse political groups and personalities[22]. He tried to build his political regime on the model of ~~pakis~~ the then Pakistan's president Ayub Khan "guided democracy". He too was forced out ~~by~~ of power by General H. M. Ershad who not only allowed parties to function on the eve of parliamentary election of 1986 but also launched his own party — Jatiya party ~~by~~ by splitting the faction-prone political parties into various groups and to pick up support of some of broken away factions.

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21 Sen, D: Bangladesh — A crucial phase — Article H.T New Delhi Feb 8, 1991.

~~Gupta, Bhabani sen:~~

~~Johri, J. C.: Grant, And politics of South Asia (Edt) Sterling publications 199 New Delhi 1991~~ PP 406-407

22 Bhabani Sen Gupta ~~Art~~: Regional perspectives — where Bagladesh Has Failed' Art H.T. Dec 25, 1984.

Such a change in party politics left the most of the parties to suffer from internal ~~dis~~ disunity, lack of trust and acute factional strifes. The political parties, despite at loggerheads, ~~cooperated~~ in cooperation with All party Student Union, decided to contest ~~ed~~ the March 1991 parliamentary election[23]. The parties then entered into the electoral alliances. The three major alliances were entered. The first was the Awami League-led eight party alliance under the leader-ship of Sheikh Hasina Wazad, daught of late Sheikh Mujibar Rahman[24]. The second was an alliance led by Bangladesh National party under the leadership of Begum Khalida Zia - widow of Zia-ur-Rehman[25]. The third alliance was of left parties[26]. There are numerous political parties in Bangladesh at present. This mushroom growth of political parties by itself an indication of the weak institutionalization of party politics in the country.

23 Parma nand Article 'Bangladesh prepares for polls' Indian Express New Delhi Feb. 2, 1991

24 Prabhakara M.S. Article 'Uneealan in Daka' Front Line New Delhi March 16-29, 1991 PP 39-49

"The parties of the alliance were The Awami League, Awami League (Bak Sal), The Communist party of Bangladesh, the National Awami party, the Ganatantri party, and Jatiya Mukti Jote."

25

26 Prabhakara, MS: Article 'Uneealan in Daka'. Op. cit. P-43.

"The left alliance comprised of workers party, the Bangladesh United Communist League, the Shramik Krishak Samajwadi Dal and Okiya Praksiya."

(9) (13)

In short the party system in Bangladesh exhibits not only of factionalism, spliting syndrome and an high degree of fragility. but the lack of institutionalised party politics which has created political instability in the country.

Pakistan is a multi-party state and most of its parties may be placed in the category of factions [27] [26] ~~or family groupings that dominated 18th~~ or resemble with the family grouping, which dominated the 18th century politics in Europe and America. Most of the parties are made up of a larger number of leading personalities, who form loose agreements to achieve power or to maintain it.[28] [27]

The party politics, however, said to have began with the formation of All pakistan Muslim Leage as a [29] [28] result of split in the ranks of Muslim League in 1948. The party never developed a disciplined national organisation because of ~~its leadership was in the hand of various personalities~~ personality conflict among its top leaders and strong regional factions within it. Despite this, it continued to play a role in the [30] [23] west pakistan politics till 1958 when Army baned party activities.[30]

[27] ~~21~~. Thomas, Stanlay Article 'Vote For Democracy' Week, New Delhi June 2, 1991 P-25.

27 ~~28~~ 22. Johri, J.C: Govt., And politics Of South Asia op.cit. p-315

28 Callard Keith: Pakistan: ~~op cit P 315~~. A political study, NY Press 1957 P-67

29 ibid

30 ~~23~~. Ziring Lawrence article 'Pakistan' in G. E. Drury edited World Encyclopaedia on pol. System

P-777

When party activities were resumed in 1962, the Muslim League splited once again into two ~~factions~~ the Council Muslim League under the leadership of Khwaja Nazamuddin, and the Convention Muslim League under the leadership of ~~the then president of~~ Field Marshal Ayub Khan, the then president of Pakistan. Aided by Damcrats, Landlords, Industrialists and patronised by the govt., the Conservation Muslim League continued to be the majority party at the centre ~~and~~ as well as in the provinces till 1968. ~~The party, however, suffered crushing defeat in the general elections of 1970.~~[24] After Ayub Khan's exit, Both the Leagues – Council Muslim League and Convention Muslim League merged in 1972 to form the Pakistan Muslim League.[25]

~~The party system was, thus, more reactive than positive during 1958 to 1971.~~

During this period (i.e 1967) the Pakaistan's people's party under the leadership Z. A. Bhuttoo came into being. Meanwhile a loose collection of ideologically and regionally disparate organisations not only challanged Ayub Khan's curbes on political activities, started a movement for restoration of Democracy but also led to the successfully holding of 1970 General elections in which PPP won a majority of west Pakistan seats in the national Legislature and formed government. The party system was, thus, more reactive than positive during 1958 to 1971.

24 i) Mahmood, Safdar: Pakistan - Political Roots And Development, Vanguard, Lahore, 1990 PP 95-96.

ii) Ziring Lawrence article 'Pakistan' G. E Delury ~~edited~~ World Encyclopaedia on political System (edited) vol II

(4) The two League — ~~Counil~~ Council Muslim League and Conservative Muslim League — ~~once again~~ merged in 1972 and ~~for~~ once again formed the Pakistan Muslim League.[32 26]

Pakistan's people's party once again won a majority in 1977 General elections inspite of a wide spread charges of corruption, bribery, violence and rigging. As a result nine opposition parties formed an ~~alt~~ allian — Pakistan National Alliance[33 27] — to wage a struggle against Bhutto's assult on the Democratic system. The frequent four months political turmoil had pushed the party system to the wall and Zia-ul-Haq seized power, established military rule and banned all political activities.[34 28] General election, on a non-party basis was held in 1985 and Muhammed Khan Junejo became Prime Minister. The Pakistan Muslim League was then revived once again. As a section of the Muslim League preferred Mr. Zia's leadership, the League divided into two factions — one led by Junejo and the other by Mr. Zia.

32 31 25. Ziring, Lawarence: Pakistan in G.E. Dlury World Encyclopaedia op. cit. p. 777
The parties of ~~such an~~ allian which supported the Movement of Restoration of "Democracy were PPP, Tehrik-e-Istiqual, the Jamate-Islami, the Pakistan Muslim League (people's group), The Pakistan National party, the Jamiatul-ulima-Islam, The Pakistan Democratic party and The Muslim League (Khasruddin group)."

32 33 26. J.C. Johri: Govt. And politics of South Asia op. cit. pp 317-18.

33 34 27. Nayek, Pandav: Pakistan Society And politics (edt) South Asian publishering New Delhi 1984 P-163

"The nine party national Allian Composed of J-E-I, Jamat Ulaama-i-Pakistan Jamat-ulma-Islam, The National Democratic party; The Muslim League;

(17) (16)

But Mr. Zia's faction lost its identity after his death in August 1988.[35 29] After his death the Pakistan Supreme Court cleared the last constitutional hurdle to party based election of 1988 and thus the party system was once again revived after eleven years.[36 37]

Political scenario, therefore, once again witnessed the emergence of party system as well as party alliances. The Pakistan Muslim League led by Nawaz-Sharief then announced the formation of Islam-Democratic Alliance comprising of eight parties[37 30] and groups.[38 31] The Pakistan Muslim League led by Mohd. Khan Junejo combined with Tehriq-i-Istiqlal formed the Pakistan People's Aliance and the strongest alliance was the 'Movement for the Restoration of Democracy' (MRD) of which the Pakistan People's Party was the most important constituent. The Islamic Democratic Alliance (IDA) was the handiwork of Inter Service Intelligence of Pakistan Army so as to give a convincing fight ~~age~~ to the People's Party led alliance. The General Election of 1988, therefore, polarised the

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Tehrik-e-Istiqlal, the Pakistan Muslim League (Pagara), the Pakistan National Party and Pakistan Democratic Party (Khalsa older group) of Muslim League.

35
28. Indian Expressed New Delhi Oct. 10, 1988. Kalpana Sharma's article 'Pakistan's Enfeebled Institutions'.

36
35 29. Joshi, J.C : Govt. And politics of South Asia op cit P-318.

37
36 30. Indian Express. New Delhi, August 26, 1988 ~~an~~ Ali Tariq's article 'Democracy only Hope for Pakistan'.

38
37 31. Ibid Oct. 8, 1988 – The Parties were: The Pakistan Muslim League (Nawaz-Sharif); The National People's party; The Azad group; The Jamait-e-Ulama, Jamiat Ahle-Hadith, Jamait Mashaikh, Hizbe Jehad, and Nizam-i-Mustafa group

The pakistan politics among alliances.

The pakistan people's party, however, secured 93 seats, and IDA 54 in the 207 members National Assembly. Inspite of strong opposition from ulemas not to have a women prime Minister in an Islamik state, M/S Banazir Bhutto — a top leader of the PPP — became prime Minister.[39 38 32] Her govt., was, ~~done~~ dismissed by the then president Ishaq Khan in August 1990 on the charges of corruption & nepotism.[39 33]

The line up of political forces from Nov. 1990 General Election was almost a duplication of the 1988 alliances — with a minor change i.e. ~~a third force~~ Mohajir Quami Movement ~~sup~~ a third force — supported the IDA alliance.[40 34] The party politics in Pakistan, during the election was, therefore, a splintered picture of what was called a mosaic of problems, ~~and~~ perceptions and perspectives. The main contenders of power at that time were, however, the pakistan people's party and the Islami Democratic Alliance supported by the Mohajir Quami Movement, Pak Army, bureaucracy & the then president and led by Mr. Nawaz Sharif.[41 35] Thus, IDA swept to power with Nawaz Sharif P.M, against the PPP's 45 seats.

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38 37 ~~32~~. Indian Express, New Delhi Feb. 24, 1988
A.G. Noorani's art. 'Banzir's perception and potential'.

39 40 ~~33~~. Indian Express. New Delhi oct. 1st, 1990.

40 41 ~~34~~. The week — a journal from New Delhi. Sept, 23, 1990.

41 42 ~~35~~. Indian Express. New Delhi, August 24, 1990.
N.B. Naqvi article 'pakistan politics — A splintered picture

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(18) Thus, as no party has been in a dominant position to secure majority on its own strength and thereby give a stable govt to the Country, the most of parties in pakistan may be placed in the category of factions. That is why alliances and counter-alliances are formed and elections are contested in the form of straight fight between two forces. In a sense, it has created a sort of pluralised bi-party system in the Country. Moreover, their party system has also been affected by ~~seasona~~ regionalism. Some of the parties, ~~ab~~ which claim as national organisations are in fact regional grouping. party politics has also been subjected to a series of sever repression due to militarisation of political life of the Country. Above all, the party system has been said to be in a state of trial and error. In other words pakistan looks like experimenting with 'a party full Democracy' at one time and with a 'partyless facade Democracy' at ~~at~~ another.

[Margin note:] The serious commitment to the ethnic, regional and local considerations have deformed the party system to any extent that there are more pol. parties in the country than the shades of opinion.[42]

43
42 36. Mahmood Safdar: pakistan - political Roots and Development op. cit. P - 133

in spite of the fact that the Lanka Samasamaja party (LSSP) – a Marxists independent party founded in 1935,[44 43 1]
was the first modern party, yet it was D.S. Sanamayake's the United National party, which was a coalition of the four parties – the Ceylone National Congress, the Sinhala Mahasabha, the All Ceylon Muslim League and Moors Association – being a dominant ... earned Sri Lanka into independence in 1948.[45 1]

44

41. Delux y, George E; World Encyclopedia of Pol. Systems. vol II Longman 1983 P. 936.

45

42. Woodward, Colvin: The Grow of party system in Ceylon. Providence RI Brown University Press 1969 P.55

The party system in the Democratic Republic of Sri Lanka, though competitive in character, yet its political parties are personalist political in the nature of personal political vehicle of the leaders and well as represent ethnic and caste interests. Under the leadership of D.S. Senanayake the United National party, which was a coalition of the four parties i.e the Ceylone National Congress, The Sinhala Maha Sabha, the All Ceylon Muslim League and Moors Association, however, carried Sri Lanka into independence in 1948.[46] But just after independence the party faced a split over the question of leadership and the Sinhala Maha Sabha - one of its constituent group left the party and formed a new party 'Sri Lanka Freedom party under the leadership of S.W.R.D Bandaranaika. which soon became a main opposition party with in the parliamentary system.[45][48]

In a traumatic general election of 1956, the Mahajana Eksath Peramuna (M.E.P) i.e people's united Front - which was an aliance of Viplavakari Lanka Sama Samaj party, Revolutionary Socialist party, one of the two Ceylon's Trotskyite groups and the Sri Laka Freedom party secured the majority and the united National party was reduced into minority. Moreover, Lanka Sama Samaja party and the Communist parties were other opposition groups in the Legislature.[44][47]

46 49. Delury, George E: World Encyclopedia of Political Systems op. cit. vol. -II, P. 936.

47 44. Farmer, B.H: An Introduction to South Asia Methuen, London and New York 1983 P-98

The ideological conflict between Stalin and Trostsky in the international Communist movement too had its impact on Lanka Sama Samaja party and caused a split in it. A splinter group of the party thus formed a pro-Soviet party in 1943 called the Communist party of Sri Lanka. This party once again faced a split into pro-Moscow and pro-Maoist parties in 1963.[45]

Although the UNP adopted a new Democratic socialist programme in 1958, yet it neglected its organisation during term of office between 1965 and 1970 and suffered a heavy defeat in the 1970 election.[46] It precipated a major party crisis. On the death of Sananayake in 1973, Jayewardene took full control of the UNP and forced it to adopted a broad-ranging reform programme including dharmishtha (a just and righteous society), popular participation and presidential style constitution. The party therefore once again in power in 1977 and (on a special) 1982 elections.[49]

The 1972 constitution of Sri Lanka introduced a new dimension into its politics which resulted the emergence of a new form of Tamil political parties in the Northern and Eastern

48 45. Dekuzy, George, E: World Encyclopedia of political systems vol II. op.cit. p. 941

49 46 Ibid p- 940

50 49 47 Ibid p- 940

SUGESTED MEASURES TO COMBAT MILITANCY IN KASHMIR - A CRITICAL APPRAISAL

*Dr. Sheetal Gupta

The rise of militancy in Kashmir, which has long been in the making because of the soft and permissive attitude of the central leadership, in the policies of deception, spurious democracy, habit of nursing illusions, unwholesome legacies of the past, the fundamentalisation of religion, the intimacies of administration, public corruption, environmental disruption, regional differences and in the over all dynamics of negative forces, not only caused the serious threat to the national security of our country but also has converted this heaven - the valley of Kashmir into the hell. Since [illegible] the toll has been enormous. The thousands have been killed including number of security forces, 48,[illegible] families have been forced to leave their homes for refugee campus, thousands widows and orphans left to face a bleak future, trade and tourism completely disrupted and deep wounds inflicted on the psyche of the Kashmiri community. By encouraging and financing, training and arming peaceful Kashmiri youths to take the guns and move from their traditional cultural patterns to fundamentalism Pakistan has pushed them to the major disastrious.

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Inspite of the intensifying operations by the security forces in the valley considerably restricted militant activities and frustrated designs of Pak-sponsered sub-version which cause the clossal distruction of men a nd material, and the people have completelyfed up with such a state of affairs, militancy still could not be curbed.

The Statesmen, Scholars, Experts on Kashmir affairs, Politica l parties, Journa-lists and the bureaucrates have, however, suggested the various measures to combat militancy in Kashmir. A brief but a critical analysis of each of these is desirable to find out the fool proof method to cure this menance and to stop further alienation of the Kashmir masses. These are:-

1. SCRAPPING OUT ARTICLE - 370

Integrationists in the State and outside are pleading strongly for the scrapping of Article 370 of the Indian Constitution, which has granted special status to the State of Jammu and Kashmir. They are of the view that this provision is responsible for widening the gulf between the people of this State and the rest of India.

But the supporters of abrogation of Article 370 have perhapsp forgotten that this provision is the only basis of Kashmir's Constitutional relations with Indian Union and any attempt of altering and abrogating this provision would invite still more serious conseq-uences in the way of hormonious association of the State with Indian Union.

Moreover, Indian Constitution is studded with special provisions like Article 371 with respect to regions of Maharashtra and Gujrat, Art. 371-A to Nagaland, Art. 371-B to Tribal areas of Assam, Art. 371-C to Manipur, Art. 371-D to Andhra Pradesh, Art. 371-E

to Sikkim, Art. 371-G to Mizoram and Art 371-H to Arunachal Pradesh so it is ~~[illegible]~~ invidious to pick on Art 370 only.

2. <u>RUTHLESS SUPRESSION</u>

Those who suggest ruthless supression of the Kashmir masses have not learnt the lesson from the pass history e.g. Pak army in Eastern wing of Pakistan in 1971, in Sind, in Balochistan and Russian Army in Chichania. Suppression does not provide a durable and a permanent solution of any problem. We should not forget that, inspite of clossal destruction of men and material since 1990, the militancy could not be curbed and normalacy could not be return in the valley.

3. <u>HANDING OVER VALLEY TO ARMY</u>

The handing over valley to Army may also not serve the purpose. It may add fuel to the fire. Moreover, using army against our own nationals may be unethical. The recent example of Pakistam handing Sind to Army, and its consequences are before us.

4. <u>MILITARY SOLUTION</u>

Military solution may also not desirable. Three wars have already been fought. The result is identical. Another war may be more destructive, but without substantial change in present boundaries, because Pakista-n is said to be far better prepared with latest war machinery and nuclear war heads. Military solution can only be desirable when India is fully prepared to confront not only ~~be desirabl with~~ Pakistan but China simultaneously. There may be American, other Western nations, Muslim world and U.N. Pressures against such a venture.

5. ## Holding Plebiscite

As Lord Mountbatten, the first G.G of Indian Domain, in his letter oct. 27 1947 to the Maharaja Hari Singh – the last Dogra Ruler, ~~wrote~~ and while accepting the instrument of Accession of the State with India wrote.

" It is my govt's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invaders, the question of the state accession should be settled by a reference to the people of Kashmir".

Thus, quiet a number of political elites, inside and outside the state belive that Kashmiris have a right to self-determination or plebiscite.

But Prof. Maurice - Mendeson – a British expert in pub. Int. Law points out " G.G remarks were merely an expression of an idea and thus, have no legal binding. He had no right to make such a promise or lay down any condition which accepting the instrument of accession signed by the Maharaja of Kashmir."

He, therefore, rightly points out that Kashmiris have no ~~leg~~ legal right to plebiscite or self-determination

He further added that the people of the state had themselves confirmed this fact by voting overwhelmingly in favour of Sheikh Abdullah, four years after he decided that the accession of J&K with India was final and complete.

✓ This fact was also been ratified by the Kashmir Consembly as early as in 1954. and ruled out any possibility of holding plebiscite.

✓ Moreover, such a remark of any subsequently promise of plebiscite made by even the India leaders before 26th January 1950 i-e before the ~~Commence of~~ enactment & enforcement of the Constitution of India, becomes unconstitutional because the Constitution does not accept the right of secession for any acceded state or part of Indian Republic.

5. HOLDING PLEBICITE

Holding plebiscite to decide the Kashmir problem is also not at all possible. There were certain pre-conditions. But when these conditions were not met by Pakistan, its ~~mhx~~ and other outfits insistence to hold plebiscite after 45 years is unrealistic.

Moreover, no country can afford an option open for all the times to come and provide even a slightest possibility of dismemberment of its territory.

It may also be kept in mind that those who would have participated in such a plebiscite more than four and half a decades ago, are no more alive. The new generation ~~kam~~ is entirely different both in out look and practical life style.

Even the people who made this commitment are also no more. The commitment then made cannot be binding on the posterity. Even Pakistan is not serious about ~~its leaders~~ holding plebiscite as its leaders are not sure of the support from Autonomists, pre-independence, Shias, and Ahmedes in the valley, Gujjars and Bakarwals of the state and from the people of Jammu & Ladakh.

6. INDEPENDENCE TO KASHMIR

Some of the outfits in the valley like JKLF constantly demanding independence for Kashmir.

But even Sheikh Abdullah ruled out the possibility of independent Kashmir because of lack of good will on the parts of its neighbouring states.

Independent Kashmir is neither acceptable to the peoples's ~~plebiscite~~ of China and even by Pakistan and other regional unit of the state.

Those who demand independence for the state, should learn lesson from Yogoslavia and Afghanstan, where independence move have caused the destruction and devastation for their people.

Economically, too, an Independent Kashmir would not be viable solution when both of its parts depended on heavy subsidies from India and Pakistan.

7. <u>MORE ECONOMIC DEVELOPMENT AND MORE AIDS</u>

Some of the critics are of the view that the present crises in the state is due to the lopsided economic development.

They are also of the view that benefits of the economic development so far, have gone to some sections of the society. But the majority of the people are still poor illfed. The unemployment of educated youth is anothers serious problem. That is why they have become easy prey of the false propagenda of Pak-media and other fundamental and secessionist outfits in the valley.

But we must remember that greater dose of aids can not substitute for the satisfaction of political urges of the people.

Rather it stimulates and provokes them if they suspect the motives of aid giver. It also becomes counter-productive if it causes corruption, economic and political distortion.

8. MEANINGFUL AUTONOMY / PRE - 1953 STATUS

A suggestion is also made for granting of the meaningful autonomy like pre-1953 status.

But the state Constitution has, been amended several times since August 1953, and number of central laws have also been extended to the state.

It may not an easy thing to go back to pre-1953 position. Moreover, integrationists and pro Pakistan groups and even Pakistan may not accept such a situation.

9. MAKING INDIA A GENUINELY FEDERAL STATE

Some of the political elites - particularly communists suggest to make India as a geneuinely federal state in which the states are not the vassals and whosoever gets into power in Delhi can dismiss state governments even for petty reasons.

But one should keep in mind that geographically, culturally, racially, and ethnically India is not a homogeneous country. Being a multi-lingual, multi-racial, multi-cultural and multi-~~regional~~ religious state, it comprised of different regions each of which ~~has a distinct~~ has distinct regional and political personality of its own. In fact political and emotional divergence

between them have been growing over years. A loose federal ~~fed~~ stiucture may, therefore, not desirable in the interest of the unity and integrity of this country. Moreover, the past history of this country is an eye-opener for us.

10. POLITICAL DIALOGUE

The crisis in Kashmir can also be said to be tackled and resolved through negotiations and dialogues, with misled Kashmiri milita-nts.

It is, therefore, proposed that all the groups of the milita-nts should be invited for dialogue. The supporters of this solution are of the view that most of political elites in the valley are now convinced that no state can survive on religious basis only, and they have no future by acceeding with Pakistan. They knew the fate of Bengali Muslims, Sindhis, Tribal people and Mahajers in Karachi.

But, some of political parties and their leaders pleade that there should be no place for anti-national elements, on the negotiating table. Hence no negotiation with killers, kidnapers and looters.

Experience of world would demastrate that inflexibility may not be fessible in all circumstances. Rather a clear-cut but stern policy-lines would help in combating militancy.

There are varicus militant groups active in the valley and some of them at deggers drawn with each other. To bring them on one table for negotiation and dialogue is most difficult task.

11. TRIFFICATION OF THE STATE

A group of newly emerging political elites in Jammu are strongly advocating trification of the state and each of the three regions be given internal autonomy 'A similar proposal was once before the active consideration of the Basic Principal Committ (BPC) of consembly of Kashmir in 1953.

The idea was to create Republic within a Republic. But this proposal could not be materialised. And integrationists inside and outside the state opposed it.

It is further pointed out that though this proposal might reduce the possibility of regional imbalances, irritations and tensions yet it will give further impetus to diversive forces to exploit the situation.

12. DIVISION OF THE STATE ALONG THE ACTUAL LINE OF CONTROL

Acceptance of status quo is also said to be only solution of the Kashmir crises i.e. division of Kashmir state on Actual Line of Control (ALC) and any attempt to force other option would said to be prove distructive for the people of both sides. Even American President (Hizenover) had also ~~qissenhover~~ suggested it in 1958.

It is also pointed out that there was a definite understanding between Z.A. Bhutto and Mrs. Indira Gandhi at Shimla that both the leaders would henceforth pursuade their representative people to accept the ALC as the International Border.

But integrationists as well as people in Pakistan may not accept this proposal.

While concluding my paper I may point out that as Kashmir crisis is multi dimentional, a multi-dimentional solution is also desirable.

Hence'Eleminating Terrorism, restoring confidence of the people and initiating political process may be the only pragmatic solution.

There should be, therefore, comprehensive strategy to meet the threat of terrorism which is definately a police/ military problem. The strategy should have two components - the short term and the long term.

The short term strategy should include putting strong and sustained pressures on the terrorists and their collaborators, denying them extra supply of oxygen in the form of foreign arms and money; publicity by human-rights-bodies and undue press - publicity of local and outside; the flow of state resources and Indian money: given for development activities, treating the situation in the valley as low-intensity war or a war by proxy, organising counter guerilla groups blocking their supply line, identifying and removing subversive elements from state services, and from semi-government organisations, providing an honourable line of return to misguided Kashmiri youths, launching a strong move through media to counter false and malicious Pak prapoganda against India, educating the masses about the ultimate futility of violense and exhibiting a united national will and maintaining a consistent line of action.

The long term measures should include the fundamental reforms in state administration. The present culture of superficiality, shallowness, softness and selfishness be replaced by the culture of constructivity, creativity and comparison.

The priority then should be given to the restoration of the confidence of Kashmiris, which they had exhibited in forties and early fifties, in Indian polity. The need of the time, is, therefore, to stop all talks about scrapping Article 370, Masjid-Temple, Controversy, trification of the state, suppression of people's will by force etc.

Once it is done, the political process should immediately be started. Free and fair elections should be conducted and the power should be transferred to the elected members. All the above mentioned processes should be started simultaneously but without delay.

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FRAGILE AND FRAGMENTED PARTY POLITICS IN SOUTH ASIAN DEMOCRACTES

By

Dr. Vidya Bhushan*

Contemporary democratic political system essentially derives its strength, sustenance and necessary inspiration from organised political parties which articulate public opinion and views, aggregate public interests and also help to resolve differences and social conflicts among the various classes of people. They, therefore, not only act as a link between ruling elite and the people at large but also ensure the political stability of a democratic political system. In other words political parties being association formally organised with the explicit and declared purpose of acquiring and / or maintaining legal control either single or in coalition or electoral competition with other similar associations over the personnel and the policy of the govt. of an actual or prospective sovereign state.[1] and which came to lime light in developed democracies with the growth of democratic trends like constitutional and representative governments and was also the result of extension of suffrage to virtually all the adult population,[2] are not only brought about the profound transformation in the structure of political regimes[3] but also act as a life line of modern politics.[4] That is why totalitarian

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or democratic, developed or under-developed, large or small all contemporary nations have turned to the political parties as an essential institution of their political systems.[4]

While the party politics in Western democracies had been internally created phenemona owing to the growth of democratic trend, in third world democracies it has generally been extra-legal or extra constitutional to fulfil the political aims of various types of individuals. The parties, thus, grew up there as national movements to fight for national independence and to drive out the colonial powers.[5] They, therefore, had anti-foreign character and in many cases refused to cooperate with the ruling foreign power in its proposed system of parliamentary democracy.[6] During their freedom struggle there was no system to support the creation of political parties, no legitimacy of governmental procedure within which the parties could operate and to which they could give their support, Moreover, there was little experience of representative government, no sense of citizenship defining, no common rights to give rise to legitimate expectation of participation and finally even the stark and close memory of colonial rule had inculcated a propensity for conflict rather than compromise.[7] In addition the parties in the

third world nations had to deal with problems not experienced by the parties in the west such as struggling for independence, framing of constitution, creation of governmental institutions, ~~suiting their~~ suiting their needs, taking fundamental decisions on infrastructural development of newly liberated nations.[9]

The party system in the south Asian nations, like that of other developing nations, is the outcome of their historical circumstances. Most of them came into being as a small body of men to oppose their colonial masters or serve them. By and by they not only assumed the nationalist character, succeeded in throwing out the yoke of salavery, acquired power after the exit of foreign colonical rule, got undisputed eligibility and loyality from their masses, established quasi - democracy under one party's dominance in their respective countries but also tried to copy the western democratic procedures as well as their political institutions. Some of them, however, could not retain the democratic set-up borrowed from the west, because of facing peculiar socio-politico-economic problems, inter-religious, inter-regional, inter-racial and the factional fights and the fight among their leadership to capture power even at the cost of party dicipline.

All this not only weakened the then existing nationalist parties but also caused split in them and the emergence of new political parties with divergent political interests and to confront the ruling party. It is, therefore, most desirable to examine and analyse "The Fragile and Fragmented Party Politics " in third world nations in general and in South Asian democracies in particular.

The South Asian region, being dominating the half of the northern Indian Ocean and extending from the Persian Gulf to the straits of Malacca, comprising 44,68,000 sq km., including Bangladesh, Nepal, Pakistan, Bhutan, Maldives, Sri Lanka and India occupies an important strategic location.[9] It has, therefore, been a hot bed of international politics and conflicts for years together particularly in post world war second. The countries of the region, generally represent similarities in their cultural, political, administrative, legal and economic structures because of their common colonial domination and their historical emergence as independent nation states after successfully fighting struggles for their emancipation. As a result these nations and their people are ....bound.... together by common bounds of historical ties, religious, cultural traditions, linguistic affinities, common values and social norms.[10] Inspite of all these, the

problems faced by their people are of varied nature and widest interests of their own.[11]

Deliberate efforts were, however, made by the colonial powers to change the religio - socio - economic culture and political characters of the South Asian Societies to protect their own vested interests and to further strengthen their ruthless and mercilesss rule in their South Asian colonies. Moreover, the imperialist powers not only introduced western education there to change customs of the people which were repugnent to their own interests, but also made a humble beginning of modernization process by istablishing democratic institutions simply to neutralise the violent independence movements of the native people.[12] During the World War Second, when the colonial powers becme fully convinced that they could no more keep their region under their heels, they decided to quit gracefully by handing over power to the most populous political parties in these nations. The new governments, thus, established which not only accelerated the socio - economic development in their respective countries but also established the democratic system.

The pluralistic democracy, which was established in Nepal in 1959 on the instance of Panchayati system, did not last long and terminated in 1960. It was followed by party-less democracy which vehemently objected party politics because of fostering factionalism,[13] and facilitated king's directe involvement in national politics.[14] Political parties, realising their irrelevance to the Panchayati system, therefore, did not take part in the General Elections. Although not accepting the party-less system, yet the leaders of the parties particularly the Nepali Congress, decided to take part in the election in 1987.[15] As the local elections were less political in nature, the political parties effort to politicising the election's could not succede.

The Nepali Congress in corporation with United Left front, however, preciptated launched and pro-democracy movement in 1990,[16] which ultimately compelled the king to strike off the partyless system and to announce a new Constitution. The basis of the New Constitution are sovereignty o the people, constitutional monarchy, multi-party system and fundamental freedom of the people. Thus, a democratic polity has established and the peoples pushed into an era and of electoral politics once again. the first multiparty election, under the Nepali Constitution was held in May 1991, in which

Nepali Congress got simple majority i.e. 110 in 205 members house and formed government and A new party-United Marxist Leninist (UML) came into being by the merger of Nepali Communist party and the Communist Party of Nepal (Marxist-Leninist) with 69 seats.[17]

Thus, party system in Nepal also appears to be crucial as it has given a definate shape to the politics of the country. If the parties fragment themselves further they would prepare a ground for the royal intervention and the king might become ambitious for undoing the democratic process.

The multi-party parliamentary democracy had, however, been established in Bangladesh right from its independence in 1971. Even 1972 Constitution also ensured free functioning of the parties. The Awami League, the then ruling party, had continued to maintain its domination in the first three years after independence because of weak, fragile and undisciplined opposition parties exhibiting factional schism.[18]

The democratic process was undermined in 1975 by Sheikh Majuhur-Rehman who made a reverse turn from a multi-party parliamentary system to a one-party presidential system. He, thus, disbannded all other parties and renamed Awami League party as the Bangladesh Krishak Sramik Awami League (BAKSAL) and declared that Bangladesh would henceforth be a one party state like African countries.[20] This resulted in a coup d'etate of August 1975 in which not only Sheikh Muji'h and most of his family members assassinated, BAKSAL was dissolved, a ban on the party was also imposed which continued till 1977.[21] The political parties regulation order of 1976 had been repealed in November 1978 and the parties were allowed to be organised. But in December 1978 ban, once again, imposed on the political parties organised with foreign assistance. As a result groupings, re-groupings, alliances and defections took place in the party politics and the Bangladesh Nationalist party under the leadership of Zia-ur-Rehman ultimately came into being with the merger of diverse political groups and personalities.[22] He tried to build his political regime on the model of the then Pakistan's President Ayub Khan "Guided Democracy". He, too, was forced out of power

by General H.M. Ershad who not only allowed parties to function on the eve of parliamentary election of 1986 but also launched his own party - Jatiya party by splitting the faction-prone political parties into various groups and to pick up support of some of broken away factions. Such a change in party politics left the most of the parties to suffer from internal disunity, lack of trust and acute factional strifes. The political parties, despite at loggerheads, in cooperation with All Party Student Union, decided to contest the March 1991 parliamentary election.[22] The parties then entered into the electoral alliances. The three major alliances were, therefore, entered. The first was the Awami League - led eight party alliance under the leadership of Sheikh Hasina Wazed, daughter of late Sheikh Mujibar Rehman.[23] The second was an alliance led by Bangladesh National party under the leadership of Begum Khalida Zia - widow of Zia-ur-Rehman.[24] The third alliance was of left parties.[25] There are numerous political parties in Bangladesh at present. The mushroom growth of political parties by itself is an indication of the weak institutionalisation of party politics in the country.

In short the party system in Bangladesh exhibits, not only factionalism, splitting syndrome

and an high degree of fragility, but the lack of institutionalised party politics which has created political instability in the country.

Pakistan is a multi-party state and most of its parties may be placed in the category of factions,[26] resembling with the family grouping, which dominated the 18th century politics in Europe and America. Most of the parties are made up of a large number of leading personalities, who form loose agreements to achieve power or to maintain it.[27]

The party politics, however, said to have begun with the formation of All Pakistan Muslim League as a result of split in the ranks of Muslim League in 1948.[28] The party never developed a disciplined national organisation because of personality conflict among its top leaders and strong regional factions within it. Despite this, it continued to play a role in the West Pakistan politics till 1958 when Army baned party activities.

When party activities were resumed in 1962, The Muslim League splited once again into two — the Council Muslim League under the leadership of Khwaja Nazam-ud-din, and the Convention Muslim League under the leadership of Field Marshal Ayub Khan, the then president of Pakistan. Aided by democrats, landlords, industralists and patronised by the government, The Convention Muslim League continued to be the majority party at the centre as well as in the provinces till 1968.

During this period (i.e. 1967) the Pakistan People's party under the leadership Z.A. Bhuttoo came into being. Meanwhile a loose collection of ideologically and regionally desparate organisations not only challenge Ayub Khan's curbs on political activities, started a movement for restoration of Democracy but also led to the successfully holding of 1970[29] general elections in which PPP won a majority of West Pakistan seats in the National Legislature and formed government. The party system was, thus, more reactive than positive during 1958 to 1971.

The two league-council Muslim League and conservation Muslim League-merged in 1972 and once again formed the Pakistan Muslim League.[30]

Pakistan's People's Party once again won a majority in 1977 general election inspite of a wide spread charges of corruption, bribery, violence and rigging. All this caused dissatisfaction among the industrialists, the landed class, the all powerful civil services, the military and ulemas. As a result nine opposition parties formed an allian - Pakistan National Alliance.[31] to wage a struggle against Bhutto's assult on the Democratic system. The subsequent four months political turmoil had pushed the party system to the wall and Zia-ul-Haq seized power, established military

rule and banned all political activities.[32] General Elections on a non-party basis was held in 1985 and Muhammed Khan Junejo became Prime Minister. The Pakistan Muslim League was then revived once again. As a section of the Muslim League preferred Mr. Zia's leadership, the league divided into two factions - one led by Junejo and the other by Mr. Zia.

But Mr. Zia's faction lost its identity after his death in August 1988.[33] After his death the Pakistan Supreme Court cleared the last Constitutional hurdle to party based election of 1988 and thus the party system was once again revived after eleven years.[34]

Political scenario, therefore, once again witnessed the emergence of party system as well as party alliances. The Pakistan Muslim League led by Nawaz - Sharief Khan then announced the formation of Islam-Democratic Alliance comprising of eight parties/groups.[35] The Pakistan Muslim League led by Mohd. Khan Junejo combined with Tehriq-i-Istiqlal formed the Pakistan People's Alliance and the strongest alliance was the movement for the Restoration of

of Democracy' of which the Pakistan People's Party (MRD) was the most important constituent. The Islamic Democratic Alliance (IDA) was the handi-work of the Inter Service Intelligence of Pakistan Army so as to give a convincing fight to the People's Party led alliance. The General Election of 1988, therefore, polarised the Pakistan Politics among alliances.

The Pakistan People's party, however, secured 93 seats, and IDA 54 in the 207 members National Assembly. Inspite of strong opposition from Ulemas not to have a women Primeminister in an Islamik state, M/S Benazer Bhutto - a top leader of the PPP - became Prime Minister.[36] He government was dismissed by the then President Ishaq Khan in August 1990 on the charges of corruption, nepotism.[37]

The line-up of political forces from November 1990 General Election was almost a duplication of the 1988 alliances - with minor change i.e. Mohajir Quami Movement a third force - supported the IDA alliance.[38] The party politics in Pakistan during the election was, therefore, a splintered picture of what was called a Kossic of problems, perceptions and

perspectives. The main contenders of power at that time were, howere, the Pakistan People's Party and the Islami Democratic Alliance supported by the Mohajir Quami Movement, Pak Army, bureaucracy and the then President and led by Mr. Nawaz Sharif.[39] Thus, IDA swept to power with Nawaz Sharief P.M., against the Pakistan people's party with 45 seats.

Thus, as no party has been in a dominant position to secure majority on its own strength and thereby give a stable government to the country, the most of parties in Pakistan may be placed in the category of factions. That is why alliences and counter - alliences are formed and elections are contested in the form of straight fight between two forces. In a sense, it has created a sort of pluralised bi-party system in the country. Moreover, their party system has also been affected by regionalism. The serious commitment to the ethnic, regional and local considerations have deformed the party system to an extent that there are more political parties in the country than the shades of opinion.[40] Some of the parties, which claim as National organisations are in fact regional groupings. Party politics has also been subjected to a series of severe repression due to militarisation of political life of the country.

Above all the party system has been said to be in a state of trial and error. In other words, Pakistan looks like experimenting with a 'Partyful Democracy' at one time and with a 'Partyless facade Democracy' at another.

The party system in the Democratic Republic of Sri Lanka, though competitive in character, yet its political parties are in the nature of personal political vehicles of the leaders and represent ethnic and caste interests. Inspite of the fact that the Lanka Samasamaja Party (LSSP) - a Marists Independent party founded in 1935,[41] was the first modern party, yet it was D.S. Senanayake's The United National Party, which was a coalition of the four parties - The Ceylone National Congress, the Sinhala Mahasabha, the All Ceylone Muslim League and Moors Association, being a dominant party carried Sri Lanka into independence in 1948.[42] But just after independence the party faced a split over the question of leadership and the Sinhala Mahasabha - one of its constituent group left the party and formed a new party 'Sri Lanka Freedom Party' under the leadership of S.W.R.D. Bandranaike. It soon became main opposition party in the parliamentary system.[43]

In a tranmatic general election of 1956, the Mahajana Ekosath Peramuna (MEP) i.e. People's United Front - which was an alliance of Viplavakari Lanka Sama Samaj Party, Rev lutionary socialist party, one of the two Ceylon's Troskyite groups and the Sri Lanka Freedom Party secured the majority and the united National Party was reduced into minority. Moreover, Lanka Sama Samaja Party and the Communist Parties were other opposition groups in the Legislature.[44]

The ideological conflict between Stalin and Trostosky in the international communist movement too had its impact on Lanka Sama Samaja Party and caused a split in it. A splinter group of the party thus, formed a pro-soviet party in 1943 called the Communist party of Sri Lanka. This party once again faced a split into pro-Moscow and Pro-Moaist parties in 1963.

Although the UNP adopted a new democratic socialist programme in 1958, yet it neglected its organisation during its term of office between 1965 and 1970 and suffered a heavy defeat in the 1970 election.[46]

It percipitated a major party crisis. On the death of Sananayake in 1973, Jaye Wardene took full control of the UNP and forced it to adopt a board -ranging reform programme including dhamishta (a just and righteous society), popular participation and presidential style constitution. The party therefore once again captured power in 1977 and (on a special) 1982 elections.[50]

The 1972 constitution of Sri Lanka introduced a new dimention into its politics which resulted in the emergence of a new from of Tamil Political Parties in the Northern and Eastern Provinces. The Tamil United Liberation Front - an ethnic party was formed in 1972,[51] by the alliance of several political parties representing Tamil interests such as Federal Party, The Muslim United Front, National Liberation Front, the Tamil Congress, The Ceylon Workers Congress, Tamil Front and All Ceylone Tamil Conference. When Bandramike to concede their demand of regional autonomy.[52] Although the party asserted the freedom, dimity and rights of the Tamil people and then the right of self-determination in 1976, yet it seemed to be satisfied with the grant of local autonomy in the Northern and Eastern provinces as agreed in Indo-Sri Lanka Accord of 1987.[53]

In addition to there are at least nine minor parties in Sri Lanka. Ideological factors plays a minor role in their formation.

In short, Sri Lanka though a Unitary state with parliamentary democracy in the South Asia and has a viable competitive party system, yet most of its parties are personalist political vehicles or represent ethnic or caste interests.[53]

India like many countries of the third world, has however, a multi party system. Its multi party system is different from that of the West. That is why political scientists like Myron Weiner, Rajani Kothari and Giovanni Sartori have preffered to call it as single party dominant party system.[54]

Most of the Indian parties grew out of the struggle for independence. The Congress party, which held the power at the centre for most of the years since 1947, is the direct decendant of the Indian National Congress[55] formed in 1885. The Indian National Congress being, highly aggregative, seeking to unite disparate ideologies and personalities in the service of self rule in pre-independence, was, therefore, an umbrella organisation and had directed the mainstream

of the struggle for India's independence.[57] Once the ~~independence~~ independence achieved and political power transferred, the ideological and personal differences gradually loomed large and led to defections and split. As politics is a struggle for power and struggle for power sometime requires the combination of the a strong partners' and adhoc alliances, ~~The~~ most of the Indian parties except cadre based parties were, therefore, formed either due to defection or split in the Congress party. Hence, ideological split led to the formation of socialist party in 1947, personality differences led to the formation of B.K.D. in 1967, ideologico-personality difference helped in split and formation of Congress (O) and Congress (I) in 1969,[58] Janata Party in 1977 and Janata Dal in 1989.[59]

The 1990 elections, however, once again put the Congress (I) in the saddle of power. The Congress party, therefore, out-distanced its rivels. Despite the dominance of Congress, there exist several political parties - major or minor, in the country. As there is hardly emotional or psycholocal attachment of the people with a party except the cadre based parties, frequent fragementation of the parties or polarisation of like minded parties have been witnessed from time to time. The political parties sometime came into being by an alliance of various contending factions. Even the cadre based parties like C.P.I, Jana Sangh, C.P.I (M) etc also faced split at

moves of polarisation of like minded parties not only disturbed the stasiological map of the country from time to time but also have enabled the opportunists and carmerists to establish their hold over the parties organisations.

different times. The Charismatic personality of some of the leaders too has own place. Such a leader of national or regional level carry with him a large number of his followers and some time floats his party. Such a party, however, loses its identity with the death or eclipse of the leader. The panorma of Indian Party system is also vititated by rampant factionalism operating at almost every level.[60]

One may observe that Indian party system not only exibits the phenomenan of single party dominant system; enormous array of parties; prevalance of factionalism, split and some of factions which are even diametrically opposed constantly shifting pattern of coalitions or alliances, lack of ideological orientation in a few and emergence of the rightist as well as the leftist parties. The frequent events of ragmentation of parties and the moves of polarisation of like minded parties not only disturbed the stasiological map of the country from time to time but also have enabled the opportunists and carmerists to establish their hold over the parties organisations.

In short the model of the party system in Western democracies hardly resembles with that of the South Asian democracies in most of which a single ruling party has been evolved out of competitive party system

either through combination or by polarisation of the different parties. Their competitive party system has been further sub-categories such as dominant party systems, bi-party systems or multi-party systems. In the dominant competitive systems one party dominates the national politics for a long time by allowing other minor or major parties to operate and compete with ~~tem~~ each other. In bi-party competitive systems the different parties have polarised into two parties and alternated the political power whereas in the competitive multi-party systems alliances and coalitions have been formed to share power. This has generally made the party politics unstable. The parties, therefore, split and merge, wax and wane, disappear and return, enter into alliances and coalitions are formed to achieve their political ends.

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REFERENCES

1. Coleman J and Rosberg C : Political Parties and National Integration in Africa, University of California Press, 1964, p - 2.

2. Greestein, Fred; Polsby, Nelson W : Hand book of Political Science, Vol. 3, Vesley, Publisher's Company London, 1975, p - 23.

3. Duverger, Maurica : Political Parties : Their Organisation And Activity in in the Modern States, (ed), Methven, London, 1959, p - 352.

4. Neumann, Sigmund : Modern Political Parties : Approaches to Comparative Politics (ed), University of Chigago Press, Chicago, 1956, p - 6.

5. Almond, Gabriel A, Powell, G. Binghan : ~~Sperrtrux~~ Comparative Politics - A Develormental Approach, Oxford and IBH Publishing Company, New York, 1968, p - 113.

6) Maheshwari, Sri Ram : Comparative Government and Politics; Lakshmi Narayan Aggarwal, Educational Publishers, Agra, 1980, p - 132.

7) Johri, J.C. : Comparative Government and Politics; Sterling Publishers, 1976, New Delhi p - 132.

8) Macridis, Roy. C : Political Parties : Contemporary Trends And Ideas, (ed); Harper Torch Books, New York, 1967, p - 16.

K.T.O

9. Maheswari, Sri Ram : Comparative Government And Politics, Op. cit. p- 132.

10. Parmar, E.H : An Introduction to South Asia, Methuen London and New York 1983, p - 1.

11. Anand, R.P : South Asia - In Search of Regional Identity, Banyan Publicans, New Delhi 1991, pp 3-4.

12. Farmer, E.H : An Introduction to South Asia, ~~Op. cit.~~ op.cit. p - 1.

13. Schwartz, Berg J : A Historical Atlas of South Asia (ed): Chicago and London, p - 104.

14. The Hindustan Times, New Delhi, April 14, 1990. Arbindo Ghose's Article "Democracy in Nepal".

15. Delury, George E : World Encyclopaedia on Political System, Op. cit. p - 708. Kamak Mani Dixit Article 'Kingdom of Nepal'.

16. Asian Survey : February 28, 1988, p - 173. Lok Raj Bral's Article 'Nepal in 1987'

17. Indian Express, New Delhi, November 29, 1990. Parmaand's Article 'Nepal's Hoop and Fears'.

18. The Front line - Journal New Delhi , June 8 - 21, 1991, p - 11, S.K. Pande's Article - Nepal's New Order - An Experiment in Democracy.

19. Jahan , Roanagi : Bangladesh - Problems and Issues (Etd) Dhaka University Press (Etd) 1980, p - 106.

20. Chakravarty, Nikhil : Bangladesh - Grouping for Democracy, Article - Hindustan Times, New Delhi, March 15, 1991.

21. Sen, D : Bangladesh - A Crucial Phase - Article Hindustan Times, New Delhi, February 8, 1991.

22. Bhahani Sen Gupta : Regional Perspective - 'Where Bangladesh Has Failed ' Article Hindustan Times, December 25, 1989.

23. Parma Nand's Article - 'Bangladesh prepares for polls' Indian Express , New Delhi, February 2, 1991.

24. Prabhakara M.S. Article 'Uncertan in Daka' Frontline, New Delhi, March 16 - 29, 1991, pp 39-49.

"The parties of the alliance were The Awami League, Awami League (Baksul), the Communist Party of Bangladesh, The National Awami Party, The Ganatantri Parti and Jaitya Mukti Jete".

25. Ibid.

26. Prabhakara, M.S. Article 'Uncertainin Daka',
Op. cit., p - 43.
"The left alliance compromised of worker's party. The Bangladesh United Communist League, The Shremic Krishak Smajwadi Dal and Okiya Prakriya".

27. Johri, J.C : Government and Politics of South Asia; Op. cit, p - 315.

28. Calfard Keith : Pakistan - A Political Study, New York Press, 1957, p - 67.

29. Ibid.

30. Ziring Lawrence Article 'Pakistan' in G.E. Delury edited World Encyclopaedia on Political System, pp - 777.

K.T.O

31. Ibid

32. Ibid

"The parties which supported the movement of Restoration of Democracy were - Pakistan People's Party, Tehrik-e-Istiqlal, the Jamate-Islami, the Pakistan Muslim League (People's group), the Pakistan National Party, the Jamiahul-ulima-Islam, the Pakistan Democratic Party and the Muslim League (Kharu-ud-din group)."

33. J.C. Johri : Government And Politics of South Asia, Op. cit., pp - 317 - 18.

34. Nayak, Pandav : Pakistan Society And Politics (Edt.) South Asian Publishing, New Delhi, 1984. p - 168.

"The nine party - National A-llian comprises of J-e-I, Jamat Ulema-e-Pakistan Jamat-Ulma-Islam, The National Democratic Party, the Muslim League," Tehrik-e-Istiqlal, the Pakistan Muslim League (Pogara), the Pakistan National Party and Pakistan Democratic Party (Khairu-ud-din groupP by Muslim League."

35. Indian Express, New Delhi October 18, 1988, Kalpana Shaima's Article - 'Pakistan's enfeebled Institutions'.

36) Johri, J.C : Government And Politics of South Asia; Op. cit., p - 318.

37) Indian Express, New Delhi, August 26, 1988, Ali Tariq's Article 'Democracy only Hope for Pakistan'.

38) Ibid. October 8, 1988 - the parties were :- The Pakistan Muslim League (Nawaj Sharif) The National People's Party; The Azad Group; The Jamait-e-Ulema, Jamait-ahle-Hadith; Jamait-Mashaikh; Hizib-e-Jehad; and Nizam-i-Mustafa group.

39) Indian Express: New Delhi, February 24, 1988, A.G. Nooram's article 'Benzir's Perception and Potential'.

40) Indian Express: New Delhi, October Ist, 1990.

41) The Week - A Journal from New Delhi, September 23, 1990.

42) Indian Express; New Delhi, August 24, 1990, N.B. Naqvi's article 'Pakistan Politics - A Splintered Picture'.

43) Mahmood Safdar: Pakistan - Political Roots and Development; Op. cit., p - 133.

44. Delury, George E : <u>World Encyclopaedia of Political Systems</u>, Vol. II, Longman 1983, p - 936.

45. Woodward, Colvin : <u>The Grow of Party system in Ceylon. Providence Ri</u> Brown University Press 1969, p - 55.

46. Delury George E : <u>World Encyclopaedia of Political Systems</u>, Op. cit., Vol. II p. 936.

47. Farmer, B.H : <u>An Introduction to South Asia</u>; Methuen, London and New York, 1983, p - 98.

48. Delury George E : <u>World Encyclopaedia of Political Systems</u>, Op. cit., Vol.II , P - 941.

49. Ibid, p - 940.

50. Ibid, p - 940.

51. Ibid, p - 939.

52. Ibid,

53. Johri, J.C : <u>Government and Politics South Asia</u>, Op. Cit, p - 458.

54. Delury, George, E : <u>World Encyclopaedia of Political Systems</u>, Vol. II, op-cit p - 941.

K.T.O

55. (i) Park, Richard, L, Ward and Macridis : Modern Political System; Asia Prentice Hall, 1963, p - 269.

(ii) Sartori, Giovanni : Parties and Party System: A Framework for Analysis; Cambridge University Press, London, 1976, Vol. I, p - 194.

56. Delury, George E : World Encyclopaedia of Political System; Op. cit., pp 443 - 444.

57. Ibid.

58. Ibid.

59. Asian Survey, Vol. XXIX No. 2, February 1989, p - 192.

60. Brass, P.R : Factional Politics in an Indian States; Berkeley, 1965, pp 1 - 20.

The Formation of the All Jammu and Kashmir Plebiscite Front and its Politics.

The motivational variations arising out of varied political considerations and failure of the Centre-State leadership at various levels to reconcile the various claims and aspirations led to the Constitutional crisis of August 1953.[1] As a result the first popularly elected Ministry of Sheikh Abdullas was dismissed. He and his prominent supporter Mr. M.A.Beg and few others were arrested under the Public Security Act[2] and Bakshi Ghulam Mohd. took over as the new premier of the state. All this termed as an attack on the sub-nationalism of Kashmir by the Indian government[3] and murder of democracy in Kashmir. It, therefore, evoked a violent reaction in the valley in which about ten thousand persons including one hundred women were also arrested.[4] The movement though was crushed by the new regime yet it caused feelings of hatred against India.

Mr. M.A.Beg, who was later on released from detention in November 1954 because of ill health,[5] however, conceived an idea for floating a new party, not only to meet the new challenge against Kashmir's right of self-determination but also to mobilise public opinion against Bakshi government. Thus, M.A.Beg, alongwith six sitting members of the state legislature and one member of Parliament from the State left the All J&K National Conference and founded the All J&K Plebiscite Front on August 9, 1955 i.e., two years after the crisis of August 1953.[6] On the same day a special session of

the party was convened in the lawns of the residential house of Khwaja Ali Shah, which was attended by thousands x supporters of the party and Mr. Beg and Mr. G.H.Hamdani were unanimously elected as president and the Secretary of the party respectively.[7] An Executive Committee consisted of sixteen members was also elected. The following were the members elected to the Executive Committee[8] :-

1) Mirza Mohammad Afzal Beg (President);
2) Sofi Mohammad Akbar (Vice-President);
3) Kh.Abdul Gani Gooni (Vice-President);
4) Kh.Mohi-ud-Din Hamadani (General Secretary);
5) Kh.Sadar-ud-Din Mujahid (Secretary);
6) Kh.Ghulam Rasool Kochak (Secretary);
7) Haji Mohammad Ishaq (Treasurer);
8) Kh.Ali Shah, Srinagar (Member);
9) Sheikh Mohammad Mansoor, Kulgam (Member);
10) Mohammad Subhan Bhatt, Pulwama (Member);
11) Pir Mohammad Afzal Makdoomi, Srinagar (Member);
12) Hakim Habib-Ullah, Sopore (Member);
13) Ghulam Nabi Wani, Budgam (Member);
14) Pir Mohammad Maqbool Yelgami, (Member)
15) Ghulam Qadir Hawabaz, Baramulla(Member) and
16) Ghulam Mohammad Dar, Banihal (Member)

Soon after the formation of the Executive Committee, the elections of the district and tehsil committees were held.[9]

While declaring that "No power on the Earth can deprive the people of Kashmir the right of Self-determination"[10], Mr. M.A.Beg read out the manifesto of the party which was signed by M.A.Beg; Sofi Mohd Akbar (M.P); Hakim Habib-Ullah (M.L.A); Peer Mohd Maqbool Yelgeni (Ex.M.L.A); Syed Alaudin Gillani (M.L.A); Ghulam Nabi Wani (M.L.A); Malik Ghulam Hussain (Ex.M.L.A); Sadar-ud-Din Mujahid (Editor Khalid); Haji Mohammad Ishaq (Vice-Chairman, All India Shia Conference); and Kh.Abdul Gani Gooni (M.L.A)[11].

The Plebiscite Front also said to have the blessings of Sheikh Mohd Abdullah. Although he never formly joined the party, yet it help the party to become a popular organisation in Kashmir[12]. As the time passed on it became the most effective and influential party in the valley as well as in Muslim belt of Jammu region[13]. In view of its popularity the party was banned in the beginning, but subsequently the ban was lifted[14].

The next party convention was convened at Islamabad on September 10, 1955 in which Mr. M.A.Beg the President of the party issued the policy statement. On 6th October, 1955 the Front convened a two - days Convention at Sopore which was attended by thousand of people and confirmed[15] Mr. Beg's statement of 10th September, 1955[16] contained :

"The Plebiscite Front is sure that the world opinion cannot be misled for long. Those people who love freedom and democracy and struggle for human rights will stand by us and give moral support to four hundred thousand people of Kashmir in the attainment for their objectives. The only crime of Kashmiris is that they demand the right to express their opinion. Since their beloved leader has been in prison for three years without any trial, the Sheikh's release is a must, because in this period of darkness marked by troubles, and afflictions, hardships and oppression; tyranny and despotism, he is the only hope of light for them. It is the selfless sacrifices of the Sheikh which aspired the people with valour, courage and determination to fight their enemy without any fear. The statement added that the conditions in the state had been so crucially created for the votaries of the Plebiscite Front that it almost became criminal for them to raise any voice against the oppression exercised by the Government. Even then the people were determined to face the hardships with full strength and march forward to their destination".

Basically, the Plebiscite Front was organised by Mirza Mohammad Afzal Beg when Sheikh Mohammad Abdullah was in prison. The Front was organised, however, by experienced politicians who had a remarkable role and record of their political life during the freedom struggle

in the State. The important personalities involved in the Plebiscite Front politics were "Mirza Mohammad Afzal Beg, Sofi Mohammad Akbar of Sopore, Kh.Abdul Gani Gooni, Kh.Mohi-ud-Din Hamadano, Kh. Ghulam Rasool Kochak, Haji Mohammad Ishaq, Kh.Ali Shah, Sheikh Mohammad Mansoor, Mohammad Subhan Bhatt, Pir Mohammad Afzal Makdoomi, Habibullah Hakim, Sopore, Ghulam Nabi Wani, Pir Maqbool Yelgami, Handwara, Ghulam Qadir Hawabaz, Ghulam Mohammad Dar, Bannihal, Mirza Ghulam Mohammad Beg, Ghulam Nabi Kochak, Doctor Abdul Majid (Islamabad), Pir Abdul Gani, Kh.Ghulam Mohammad Shah, Kh.Sadar-ud-Din Mujahid, Mohammad Ramzan Karnai, Kh. Abdul Ahad (Advocate Sopore), Ghulam Hassan Inqilabi, Ghulam Ahmad Sofi, Ghulam Mohammad Bhat and Ghulam Mohammad Sheikh (Doda,Jammu). With these and many other politicians and political workers, the Plebiscite Front had declared itslef to be a non-communal, secular and non-violent organisation".

Party Organisational Structure

On the basis of the Plebiscite Front Constitution 1955, which was subsequently amended in 1965, the party organisational structure comprised of :-

1. The Primary Committee or Mohalla or Gam(Village) Committee. Its activities were confined to Mohalla or the village. The members to this committee were directly elected by the residents of that locality.

2. Next Primary Committee was called Halqa Committee and its activities and functions were confined to the area covered by a patwar Halqa. Its members were indirectly elected by all the elected members and office bearers of all the primary units within the Halqa. Halqa Committees existed also in town muncipal areas. All the members and office bearers of the committees operating in a Halqa were empowered to elect the delegates who would elect delegates and these delegates elected the Tehsil President, District and Provincial Committees, which function in these administrative units. The Presidents of these committees had power of niminating the office bearers and members of these committees. The party had one General Council whose members were elected delegates, one fourth from every tehsil from all over the State.

Besides, there were one President; two Vice-Presidents; one General Secretary; two Secretaries; a Treasurer; and Accountant; members of the working committee; who formed the party's ~~xxxx~~ central council; delegates; the Tehsil, the District, the Provincial and the State level committees; and the primary or basic members of the party.

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The party had a ~~xxxx~~ centralized organisational structure. Its all the committees used to function under the discipline and general control of the working committee.[20]

However, the Front's Finance Committee, comprising of the President, two Vice-Presidents and the Treasurer, used to control the receipt and expenditure of all the funds of the party and audit the accounts of all the subordinate committees.[21]

But the primary or basic membership of the party was open only to those who believed that the state's accession to India was only temporary and provisional and that the issue of accession had to be decided by its people through a Plebiscite.[22]

Party Ideology

The ideology of the Plebiscite Front was evident from the very name, aims and objectives of the party. The party leadership believed that as the Instrument of Accession of the Jammu And Kashmir State with the Indian Dominion signed by the Maharaja on October 27, 1947 was accepted by Lord Mountbatten on the assurance that it should be settled by a reference to the people, Kashmir State was a disputed territory.[23] The State's accession was Indian union was, therefore, conditional and temporary and could only be settled in accordance

with the wishes of the people of the state. The party leadership stressed that since the issue of Kashmir accession had never been referred to the people, the dispute stood unresolved.[24] The leadership further stressed that as Pt. Nehru, the then Prime Minister of India, cabled a similar assurance to the British Prime Minister, the right of self-determination of the Kashmir people was, therefore, recognised by both nationally and internationally and even under the U.N. Security Council resolutions passed in March, 1948.[25]

As the party's first and foremost contention was to secure to the people of Kashmir their sacred right of self-determination, it was the corner stone of party ideology.[26] The party also believed in the ideology of constitutionalism, non-violence and peaceful cooperation as methods for the attainment of its objective and aims. Its leadership had also a faith in the ideology of secularism and democracy.[27] While discarding the role of religion in politics and stressing that there was no place for communalism in its politics and political programme, they declared that "communal hatred and disharmony is repugnant to any ideology". Moreover, the party never favoured the disintegration of the state.[28]

Another important ideological ingredient of the party was its belief in human rights and liberties.

→→ In short the plebiscite Front had secular ideology and believed in man's worth and advocated the cause of human rights and liberties. It stood for a political system based on justice, equality and liberty. It never approved any draconian sort of legislations which curbed human will and liberty.

The party, therefore, strongly opposed oppressive laws such as Preventive Detention Act, The Enemy Agent Ordinance, The Defence Rules etc., which could be used on any pretext for curbing human liberties and civil rights for the people.[29]

Support base of the Party

The Plebiscite Front gained strong-th with the passage of time and became the most effective and influential party in the valley as well as in muslim belt of Jammu region.[30] It generally attracted the elements having affainity with the principle of Kashmir sub-nationalism represented by Sheikh Mohammad Abdullah, those having ideological affinity with the Two Nation Theory and were not prepared to sacrifice their religion and ideology at the alter of good relationship with India and who cherished the idea of independent Kashmir.[31]

The Front had made an attempt to infilterate into the trade union sphere and managed to control the Silk Factory Workers Union, Boatmen's Unions and the students union such as youngmen's League.[32]

The Front had also supporting bases in some of the foreign countries i.e., Kashmiri's settled in U.K., U.S.A., and in other countries. The party also got monetary as well as moral support from European and some middle eastern countries.[33]

Strategy and Tactics

In order to mobilize the public opinion in support of its basic demand for right of self-determination, 'The imparting political education to the masses' was the common and overall strategy adopted by the Front.[34] The party, therefore, organised processions and public meetings in which its leadership demanded withdrawal of Indian army from the state and of the holding of Plebiscite under United Nations auspices.[35] An under-ground war council was also set up to conduct the passive, non-violent movement. The demonstrations by women marked a special feature of the movement for Plebiscite. With a view to educate the masses politically, huge literature was published and distributed sacred religious places such as Dargah-i-Hazratbal etc., where the Front could find a readymade and easy audience for propagation of its aims, objectives and programmes,[36] were exploited. The party organised strikes hartals, street processions, demonstrations and slogan shouting also.

Another strategy adopted by the Front was to prepare people for non-cooperation with the governments of the state and the centre. The party tried to highlight the failures of the governments in various spheres and underate the benefits to the people from various measures taken by the governments to amelorate their lot. In other words, the Front's endeavour was to underrate the state's links with India and to stress the importance of her like with Pakistan.[37]

The Front Electoral Performance

In the initial stage the Front condemned the contesting of Elections and criticised those who wanted to enter the election arena. But later on apprehending cracks in the party, it decided to contest elections to prove to the world how popular the party was in Kashmir. The party, therefore, decided to enter 1972 Election.[38] However, the nomination papers of the Front candidates were rejected on the ground they were anti-national.[39] But a few candidates like Mirza Arif Beg, Mufti Mehraj Din and Aya Syed Afzal Jalali- enjoying the Front support contested the election. The party even extended its support to the candidates of Jamat-e-Islamia.[40] But the massive victory of the Front candidates in the civic polls had given legitimacy to its stand.[41] The Plebiscite Front was hereby three months old when M.A.Beg - the President of the party alongwith several top leaders of the party were arrested on 19th November, 1955. Inspite of this a two-days convention of the party workers was convened at Anantnag in the last week of November 1955 which was attended by more than fifty thousands people.[42] Several resolutions were passed urging the government of India to implemtn the U.N.O. resolutions on Kashmir and to honour her solemn pledges of holding free and impartial plebiscite in Kashmir for the democratic settlement of the accession question.[43] Between 19th November, 1955 and 19th September, 1956, four Presidents including

M.A. Beg of the party were arrested.[44] The party then decided to boycott the proceedings of the Kashmir consembly. Thousands telegrams were then sent to the President of the consembly by the party to desist from Constitution making. The Front challenged the competence of the consembly to frame the constitution on the plea that following the dismissal and the arrest of Sheikh Mohammad Abdullah as well as many of his colleagues, the consembly had lost its representative character. As such, in their absence and in the absence of 25 members assigned to the territorial constituencies under the Pak-occupied Kashmir, no decision regarding the future of the state and finality of the issues could be decided by it.[45] Protest meetings were held where the members of the party reiterated their faith in the right of self-determination. Although the party also boycotted the Assembly Election of 1957, yet it played an important role as an opposition from outside, The Front, however, became the party ~~more~~ rather of Pro-Pakistan elements ~~rather~~ than being a secular party as was claimed earlier. There was a regular contacts between the Plebiscite Front leadership and the Pak Agencies.[46] According to B.N.Malik the incriminating letters were recovered from Mirza Afzal Beg. However, at the time of his arrest in 1956. He also asserted that a regular communication was being maintained between the war council of Pakistan and Plebiscite Front leaders by means couriers.[47]

The Front had very sagaciously chosen its strategy to internationalise Kashmir issue and to bring pressure

upon the Government of India to concede to its demand for Plebiscite. Its leadership, therefore, appealed to conscience of the world statemen, politicians and the head of the Governments for extending their supports to the demand of the Kashmiris for Plebiscite as agreed to by the various resolutions of the Security Council. Memorandums were submitted to the Commonwealth Prime Ministers Conference held in London on September 9, 1962 to the President of U.S.A. on his visit to India in 1959 and to Frank Grahom, the special U.N. representative for Kashmir on his visit to Indian sub-continent in January, 1958 urging them to see that the security council resolution for Plebiscite in Kashmir be implemented with further delay. Similar appeals were made to the U.N. Secretary General, The President of the U.N.O. General Assembly and the Muslim Countries to help in the solution of the Kashmir dispute.

The Holy relic episode of 1963 provided an-other opportunity to the Plebiscite Front to further extend its influence in the valley. The party forged an alliance with the Awami Action Committee of Maulvi Farooq to give a lead to the people of the valley in such an hour of grave crisis. The honeymoon between the two parties, however, broke down after the recovery of the holy relic. The Awami Action Committee then stole some of the thunderour of the Plebiscite Front. It then could not claim to be sole representative of the Muslims of the valley.

Pleiscite's thunder.

Pakistan's failure to capture the state with the help of large scale infiltration in 1965, however, gave rise to extremism in the valley. The then newly emerging youth leaders accused the Plebiscite Front of inaction when Pakistan was trying to liberate Kashmir. On October 1, 1965 during meeting at Hazaratbal Shrine several students captured the dias and blamed the leadership of Front for being stooges of the Indian Government.[53]

However, after the historic/Indira-Sheikh Accord of 1975, the J&K Plebiscite Front, was considered to be irrelevant and was therefore, dissolved and the Party was then redesignated as the All J&K National Conference.

Thus, the politics of the All Jammu and Kashmir Plebiscite Front right from its inception till 1975, when Sheikh Mohammad Abdullah assumed political power, seemed simply to be a protest Movement. After 1975 till his death, Sheikh Mohd Abdullah simply harped on the tune of state autonomy and the issues of state accession and the right of self-determination of the Kashmiris were relegated to the background. One may, therefore, conclude that the politics of Plebiscite was played simply for political bargaining and the bargain was astutely structured in the shape of Indira-Sheikh Accord 1975.[54]

1. Bhushan, Vidya : State politics and Govt; Jammu and Kashmir OP. Cit P-192.

2. Bhushan, Vidya : The Evolution of Democratic Institution Indian Polity.
Ess Ess Publishers New Delhi, 1989, P 137.

3. Saraf, Mohammad Yusaf. : Kashmiri's Fight For Freedom
Ferozsons Lahore, 1975 P-124

4. Jan, Asifa : Protest Movements and Democratic Culture
Ph.D. Thesis University of Kashmir
1994, P-153.

5. Fazil, Manzoor : Kashmir Government And Politics
Gulshan Publishers, Srinagar, 1982, P-47

6. Gupta, Jyoti Bhushan Dass. : Jammu And Kashmir

7. Jan, Asifa : Protest Movement And Democratic Culture
OP-Cit P-156

8. Ibid P-158

9. Ibid

10 Ibid P-156

11 Ibid

12 Fazil, Manzoor : Kashmir Government and Politics
OP. Cit P-79

13 Bhushan, Vidya : The Evolution of Democratic Institution in Indian Polity
OP. Cit. P-137

14 Ibid P-138

15 Jan, Asifa : Protest Movement and Democratic Culture
OP.Cit. P-158

16 Ibid P-159

17 Ibid P-160

18 The Constitution of the Plebiscite Front, 1965
Articles VI(A& B), VIII (C), VII (D) and XII (A)

19 Jan, Asifa : Protest Movement And Democratic Culture
OP. Cit. P-161

20 Ibid

21 Ibid

22 Ibid P-162

23 Saraf, Mohammad Yusaf : Kashmir's Fight For Freedom
OP. Cit. Vol-II P-1045

24 Ibid

25 Jan, Asifa : Protest Movement And Democratic Culture
OP. Cit. P-173

26 Ibid

27 Ibid

28 Ibid P-176

29 Ibid

30 Bhushan, Vidya : The Evolution of Democratic Institution in Indian Polity.
OP.Cit. P-138

31 Shawal, Mohi-ud-Din : Kashmir Conspiracy case, ~~Srinagar~~
Srinagar 1960, P-50

32 Jan, Asifa : Protest Movement And Democratic Culture
OP. Cit. PP 164-65.

33 Ibid

34 Ibid

35 Saraf, Mohammad Yusaf. : Kashmir's Fight For Freedom OP. Cit. Vol-II, P-1214

36 Jan, Asifa : Protest Movement And Democratic Culture OP. Cit. P-166

37 Ibid P-167

38 Singh, Narinder : Party Politics in the State of Jammu And Kashmir OP. Cit. P-121

39 National Herald (New Delhi) March 26, 1972 P-6.

40 The Indian Express (New Delhi) Feb. 16, 1972.

41 Singh, Narinder : Party Politics in the State of Jammu and Kashmir. OP. Cit. P-122.

42 Ibid P-111

43 Ibid P-112

44 Ibid

45 Jan, Asifa : Protest Movement And Democratic Culture OP. Cit. P-170

46 Malik, B.N. : My Years with Nehru Alied Publishers New Delhi 1971 PP-64-65.

47 Ibid

48 Jan, Asifa : Protest Movement And Democratic Culture OP. P-171

49 Ibid

28

THE DIRECTIVE PRINCIPLES OF STATE POLICY IN KASHMIR'S CONSTITUTION VIS-A-VIS THAT OF INDIAN CONSTITUTION

> "In my judgement the directive principles have a great value, for they lay down that our ideal is economic democracy. Because we did not want merely a parliamentary form of government to be instituted through the various mechanisms provided in the constitution, without any direction as to what our economic ideal, as to what our social order ought to be, we deliberately included the Directive Principles in our Constitution."[1]
>
> Dr. B.R.Ambedkar.

Like the fathers of the Indian Constitution, the framers of the Kashmir's constitution of 1957, were faced with the problem of harmonizing the ideal with the practicable.[2] They too realized that some principles of the constitution, though highly desirable could not be put on par with other principles thereof. For either their inforcement in the court of law was deemed impossible[3]

1. Tope, Trimbak Krishna: The Constitution of India Popular Prakashan Bombay 1971, pp 176.
2. J&K Constituent Assembly Debates Vol. VIII No.1 dated 3rd February,1954 pp.7.
3. Ibid, p.7.
   Mr. Mir Qasim, while presenting the "Report Relating to citizenship and Fundamental Rights" to the consembly says-
   "An examination of the fundamental rights embodied in the constitutions of some of the more important countries of the world would reveal that while there are certain rights which require positive action by the state and which can be granted only so far as such action is practicable, there are others which require that the state shall abstain from prejudicial action. It is obvious that the rights of first type are not normally either capable of or suitable for enforcement by legal action..."

or giving immediate effect to them was considered to be beyond the reasonable means and the resources of the state.[1] The committee on Fundamental Rights and citizenship felt that "there should be separate set up of principles which would be fundamental in the ~~governx~~ governance of the state and shall be intended for the guidance of the state."[2] The committee, therefore, proposed that principles of policies[3] should serve

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~~xxxJ&K Constituent Assembly Debates Vol. VIII No.1 O.P.Cit. p.10~~

1. Reports of the Basic Principles Committee and the Advisory Committee on Fundamental Rights and Citizenship. J&K Constituent Assembly Secretariat, Srinagar, 1956, p.8.
2. J&K Constituent Assembly Debates Vol. VIII No.1 O.P.Cit. P.10.
3. Reports of the Basic Principles Committee and the Advisory Committee on Fundamental Rights and Citizenship op.cit. pp 9-10.

The proposed principles of policies were:-

"1. The State shall within the limits of its economic capacity and development make effective provision for securing the right to work, that is, the right to receive guaranteed work with payment for their labour in accordance with its quantity and quality subject to a basic minimum and maximum wage established by law.

II. The State shall endeavour to secure, by suitable legislation, economic organisation and in other ways, to all workers, industrial or otherwise, better conditions of work ensuring a decent standard of life, full enjoyment of leisure and cultural opportunities.

III. The State shall make provision for securing just and humane conditions of work and for maternity relief ~~ofxx~~ for workers.

IV. All permanent residents of the State shall have the right to material security in old age as well as in the event of sickness and loss of capacity to work.

should serve as guide line for the state for leading people towards equal opportunities, adequate ~~minimum~~ minimum of a civilised standard of life and economic
7 propersity[1]. Such principles were listed together and

Footnote continued

This right shall be easured by the wide development of social insurance of workers and employees at the expense of the State, free medical aid for workers and the provision of a wide network of health resorts for the use of working men and women.

V. The State shall, in particular, direct its policy towards securing-

i) that the permanent residents of the State, men and women equally, have the right to an adequate means of livelihood;

ii) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

iii) that the operation of free competition shall not be allowed to result in the concentration of the ownership and control of essential commodities in few individuals to the common detriment;

iv) that the strength and health of workers, men and women, and the tender age of children shall not be abused and that citizens shall not be ~~xxxxxxxxxxxx~~ forced by economic necessity to enter vocations unsuited to their age and strength; and

v) that childhood and youth are protected against moral and material abandomment.

VI. Every permanent resident shall be entitled to free education, and it shall be the duty of the State to provide free education which shall be compulsory for all children upto the primary standard.

VII. The State shall promote with special care the educational and economic interest of the socially and educationally backward section of the people and shall protect them from social injustice and all forms of exploitations:

VII. The State shall foster and encourage the growth and development of State and regional languages, especially those which are more backward, by every possible means, including the following:-

i) the establishment of a State Languages Academy; where scholars and grammarians shall work to develop thesee languages by-

a) perfecting and providing their scripts;
b) enriching them through foreign translations;
c) Studying their history;
d) Compiling dictionaries and text books;

~~xxxxxxxxxxxxxxxxxxxxxxxxx~~

ii) Founding of State scholarships for the study of these languages;

iii) fostering of local press and publications in local languages; and

iv) establishment of an Institute of Art and Culture.

IX. It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest declared by the law of the State to be of national importance, from spolation, destruction, removal, disposal or export as the case may be, and to preserve and

maintain according to the law of the State all such monuments or places or objects,

like that of Indian Constitution, included in part-IV of the Kashmir's Constitution.[1] There too, likewise styled as Directive Principles of State Policy. These Directives, though not enforceable by a Court of Law, are nevertheless declared to be fundamental in the governance of the country.[2] and are like affirmative instructions to the Govt. to do certain things. These are in fact in the nature of the instructions issued not only to the future Legislatures and the executives for their guidance in framing & implementing the law but also to local authorities like panchayats and muncipal corporations.[3] These are instruments which give to the Constitution a living spirit.

For the establishment of a "socialistic order" of the society the State is directed to promote the welfare of the masses of the people by establishing and preserving a socialist order of the society wherein all exploitation of man be abolished and justice-social, economic and political-shall inform all the institutions of national life.[4] This directive is in complete accordance with the ideals of the freedom movement as well as of the New 'Kashmir' programmes. It is declared to be the concern of the state to develop in a planned manner the productive forces of the state with a view to enrich the material and cultural life of the people.

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1. The Constitution of Jammu and Kashmir , Mr. P.L.Gupta Secretary J&K Constituent Assembly Srinagar, 19th Nov. 1956, Sec. 11-25 pp. 5-9.
2. The Constitution of Jammu & Kashmir O.P.Cit.Sec.12 p.5.
3. Ibid. Sec. 11 p.5.
4. Ibid. Sec. 13.p.5.

The state, is, therefore, directed to foster and protect the public sector, where the means of production are to be owned by the state, the cooperative sector, where the means of production are cooperatively owned by individual or groups, and the private sector, where the means of production are owned by an individual or a cooperative employing Labour.[1] This directive, in a word, envisages not only a readjustment in the economic structure at its very base, but provides for the "structural reorganisation, & the functional reorientation of the entire economy of the state". It, thus, has a deep & revolutionary import for a rapid economic[2] transformation.

As the vast majority of people live in the countyside, the state is directed to ensure speedy improvement of the standards of living as well as the prosperity of the rural masses. The state is, therefore, directed to organise and develop agriculture and animal husbandary by bringing to the aid of the cultivator the benefits of modern and scientific research & techniques.[3] The organisation of village panchayats endowing them with necessary powers and authority to enable them to function as units of self-government, is also declared to be the responsibility of the state.[4]

As Kashmir is very famous for its arts and crafts the state is directed to take certain steps for promoting her renowed crafts & cottage industries.

1. Ibdi. Sec. 14.p.5.
2. Teng & Kaul:Kashmir special status oriental publishers & distributors Delhi 1975 p.137.
3. The Constitution of Jammu & Kashmir O.P.Cit. Sec. 15. p.6.
4. Ibid. Sec.16 p.6.

It is thus to initiate and execute well considered programme for refining & modernising techniques and modes of production and to provide cheep power.[1]

The state is directed to secure, within its economic limits, the now widely accepted rights the right to work-to the permanent residents. It is also provided that the health and strength of the workers be not abused and the permanent residents may not be forced by economic necessity into vocations unsuited to their sex, age or strength ,the directives also lay down that all workers should be allowed ~~xxxxxxx~~ reasonable, just and human conditions of work with full enjoyment of leisured and social and cultural opportunities; and for permanent residents the assistance and other social securities in old age, sickness, disablement, unemployment & other cases of undeserved want.[2] It, therefore, provides for the reorientation of the basic concept of state functions with a fundamental aid to foster a social order which seeks to secure the welfare of the people of state in general.[3] It is also put in the Constituttion that the state shall endeavour to provide every permanent residents the right to free education upto the University standard and to provide, within a period of ten years, compulsory education for all children upto 14 years and to ensure to all workers

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1. Ibid. Sec. 17.p.6.
2. Ibid. Sec. 19-p.7.
3. Teng & Kaul: Kashmir special status O.P.cit.p.139.

and employees adequate facilities for adult education as well as part-time, technical, professional and vocational courses.[1] The Constitution does not ignore the rights of children and women. So far as children are concerned the state is directed to secure them the right to a happy childhood with adequate medical care & attentionand equal opportunities in education, employment, protection against explitation, and against moral or material abandonment.[2] The state, on the other hand is directed to secure to all women the right to equal pay for equal work, maternity benefits & medical care, reasonable maintenance to abandoned married women, full equality in all social, educational, political & legal matters; and special protection against discourtesy, defamation, hooliganism and other forms of misconduct.[3]

For the socially and educationally backward classes, the state is to promote their educational material and cultural interests & their protection against social injustice.[4]

The state is also to make efforts to safeguards & promote the health of the people by advancing public hygiene & prevention of disease through sanitstion, past and vermin control, propaganda and other measures as well as to provide efficient & free medical servifes.[5]

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1. <u>The Constitution of Jammu & Kashmir</u> O.P.Cit. p.7. Sec. 20.
2. Ibid. Sec. 21.
3. <u>Ibid</u>. Sec.22
4. Ibid. Sec. 23.p.8.
5. Ibid. Sec.24.p.9.

In order to improve the standars of justice, the state is directed to separate the executive from the judiciary in the public services, to secure a judicial system which is humane, cheap, certain, objective and impartial. It shall strive to ensure efficiency, impartiality & in-corrutibility of its various organs of justice administration & public utility.[1]

Lastly, the state is directed "to combat ignorance, superstition, fanaticism, communalism, recialism, cultural backwardness and to foster brotherhood and equality among all communities under the segis of a secular state.[2]

The most characteristic feature of the Constitution is, the comprehensive and radically progressive list of the directives which are modelled on some of the basic rights and obligations enumerated in "New Kashmir" programme as well as part IV of the Indian Constitution. These are projections of the two fundamental basic principles- Liberty and social justice- enumerated in the preamble and defined as the ideological objectives of the freedom movement in Kashmir

Directives of these types are not the creation of the 20th century, though they abound in the Constitutions framed in this age. "They are also found as far back as in the 'Arthashastra", and the Magna Carta was in a large measure a declaration of the socio-economic policies of feudal England.[3]

1. Ibid. Sec. 18. p. 6
2. Ibid. Sec. 25 p. 9
3. Prasad, Ramesh: The Constituent Assembly of India. Thesis submitted for Ph.D. University of Agra (unpublished) 1960 pp. 294.

Their main role is to supplement the fundamental rights and to give them the much required economic & social content. Their main purpose is to secure and protect "a social order in which justice, social, economic & political, shall inform all the institutions of national life".[1]

The directives on economic reorganisation are intended to realise an equalitarian society free from class distinctions. ~~The directives society free from class distinctions~~ The directives on conditions of labourers health & social security measures, are intended for the realisation of a social welfare state. The directives on the right of children and women are intended to secure equality and justice for these much neglected sections of our society.

Thus the directives are, in fact a programme of action drawn up for active fulfilment. A comprehensive glance at the directive principles of state policy given in the Kashmir Constitution and that of India may help to put the directives in a clear perspective and promote the crystallisation of one's understanding thereof, in some depth.

In each case, the directives are based on the preamble of the Constitution and strive to project the purposes of the preamble. And since the essence of the preambles of the two Constitutions is more or less the same, there is a remarkable amount of identity of approach to the definition of the directives in the two Constitutions. We also come across a few

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1. The Jammu & Kashmir Constitution O.P.Cit.Sec.13 p.5.

differences in case of directives in Kashmir Constitution and those are largely due to the influence of the freedom movement in Jammu and Kashmir and its own cultural and historical ethos. In either case, they are aimed at the realization of socio-economic justice for the individual and saving him and the community from exploitation of all kinds.

The directives are dealth with in Arts. 36 to 51 in part IV of the Indian Constitution, whereas those given in the Kashmir Constitution occupy sections 11 to 25 in part IV thereof.

Section 13 dealing with the establishment of a socialist order for the promotion of welfare of the people considerably resembles of the directive of Art. 38 of the Indian Constitution.

Section 14 deals, in some detail, with the state economy and commits it to be a planned one; there is no mention of this in the part IV of the Indian Constitution.

Section 15 pertaining to development of agriculture and animal husbandary has to some extent its counterpart in Art. 48 but it goes farther in its accent on rural masses and the desirability in improvement of their standard of living. In either case, the bulk of the population live in the country side.

Section 16 on village panchayats has its counter part in Art. 40.

While section 17 and Art. 43 have a common sector in the subject-matter of promotion of cottage industries, the former reflects a particular feature of Kashmir's own cultural heritage. In a considerable detail, it is a directive for the rehabilitation of the world-famous crafts of Kashmir, application of modern techniques with a view to their greater sophistication, reduction of human drudgrey and the desire to retain the artistic values of the products. The account in this section is distinctively Kashmiri, which is so natural in the circumstances.

Section 18 on separation of judiciary from executive is paralleled by Art. 50 on the same subject.

Section 19 pertaining to right of work and public assistance is in some respects an echo of the right contained in the same directives of the Indian Constitution, but in two material respects, it goes farther and is distinctive. In the first instance, in the matter of public assistance and right to work, it confines the right thereof to the permanent residents of the state. Secondly, it speaks of adequate maintenance in old age, medical aid, sanatoria and health resorts at state expense to permanent residents of the state. There is nothing like this in the directives of the Indian Constitution. The reference to sanstoria and health resorts is understandable against the back-ground of the riches of the physical nature in Kashmir.

Section 20 like Art. 45 envisages free and compulsory education for all children upto the age of 14, but it goes farther in calling upon the state to endeavour to secure to every permanent resident the right

of free education upto the University standard. Its stress on adequate facilities for the adult education, part-time technical, professional and vocational courses is rather a distinctive feature of the Kashmir directive principles.

Section 21 pertains exclusively to rights of children, whereas children's interests are dealt alongwith those of women and men in a mix in Art 39 of the Indian Constitution. Of course, the two have a basic resemblance.

Section 22 is a fairly comprehensive moral code for the rights of women, whereas similar references to their rights and needs are found haphazardly spread over Arts. 39 & 42 Sub-section (e) of section 22 is exceptionally timely and relevant in its call to the state to secure women special protection against hooliganism and other forms of misconduct.

Section 23 and Art. 46 are largely counterparts of each other. The former refers to promotion of education and other interests of backward classes, whereas the latter includes scheduled castes and scheduled tribes in its amplitude.

Section 24 of the Kashmir Constitution and Art. 47 of that of India pertain to public health, but section 24 seems to be much shorter and unlike Art. 47 does not specifically deal with the policy on prohibition and narcotic drugs and what is to be done in this connection.

Section 25, the last but not the least of the directives in Kashmir Constitution in calling upon the state to combat ignorance, supersition,

fanaticism, communalism, racialism and cultural backwardness has no counterpart as such in the Indian Constitution notwithstanding the commitment to secularism on the part of the two Constitutions.

There is no section in the Kashmir directives which dealth with the subject matter of Art. 51, the last of the directives in the Indian Constitution, relating to international peace, arbitration and the like. This is quite in tune with the fact that the doman of foreign affairs is beyond the pruview of the state jurisdiction. ~~While referring to the~~

While refering to the Directive Principles of State Policy in Indian Constitution Sir Ivor Jeunings rightly points out that "The philosophy underlying most of there provisions is" Fabian Socialism without the socialism, for, only 'the nationalisation of the means of production, distribution and exchange is missing".[1] ~~The~~ Same may be true of such provisions in Kashmir's Constitution. It does not adhere to any particular 'ism' but seeks to establish a socialistic order.

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1. Basu, Durga Dass: Introduction to the Constitution of India seventh edition Prentcie Hall of India Pvt.Ltd. New Delhi-110001, 1978, p.123.

28

POLITICS OF

THE FORMATION OF THE ALL JAMMU AND KASHMIR MUSLIM CONFERENCE AND ITS TRANSFORMATION INTO THE ALL JAMMU AND KASHMIR NATIONAL CONFERENCE

CHAPTER VI

REGIONAL AND RELIGIOUS PULLS IN THE VALLEY

Jammu, Kashmir and Ladakh became parts of a single political entity called the state of Jammu and Kashmir in 1846, when the British East India Company transferred the valley of Kashmir which it had acquired from the disintegrating Lahore Darbar, to Maharaja Gulab Singh of Jammu in consideration of a sum of rupees seventy-five lakhs.

EMERGENCE OF MUSLIM CONFERENCE

The Dogra rule established under the treaty of Amritsar in 1846 by Maharaja Gulab Singh was essentially based upon the principle of personal rule, a legacy which continued almost uninterrupted until Maharaja Hari Singh, the last in the line of Dogra rulers, quit the state in 1947 after independence. The Dogra rulers because of various handicaps could not devote their full attention to the welfare of their newly acquired subjects and territories as a result of which people's economic hardships began to increase rapidly. It was this economic malady which largely contributed towards the simmering discontent, particularly among the Muslims who contituted the majority community. This neglect on the part of the new rulers further intensified the rigions of an age-old economic stagnation and poverty.

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In order to end the autocratic rule of the Maharaja, the people of Jammu and Kashmir decided to organise themselves. The first feeble voice of protest and discontent against the authoritarian rule of the Maharaja was raised by Sardar Budh Singh. A Jammu based political organisation, known as the Dogra Sabha was founded in 1904 by the late Hans Raj. Its complete identification with the peculiar Jammu Dogra nationalism and Dogra rule and its power structure made it unacceptable to the people of Kashmir at large. The manifestation of this kind of sub-nationalism in one region of the state eventually produced a counterpart in the formation of the Muslim Conference by Sheikh Abdullah in 1932.[1]

Maharaja Hari Singh, the last Dogra ruler, ascended the throne in 1925. Political awakening and consciousness was coming into the hearts of the people, as it has been explained in earlier chapters. The political condition of the state underwent a radical change. The Maharaja tried to elevate the depressed condition of the masses but he could not achieve much because the people at large had no hand in the day to day administration of the state. They were thus neglected and ignored.

The state was a Muslim majority province ruled by a Hindu Maharaja. The Hindus, who only form a small minority, being educated, got all the loaves and fishes of the state. Economically and materially, they were better off than the

Muslims who were grinding under revolting poverty, wide-spread illiteracy and exploitation. Encouragement in government jobs was generally dinied to them. Those who were educated were not always better off than their less fortunate brethren. The educated few struggled hard for state employment but they were generally refused. How long could this unhappy state of affairs last? It culminated in the great rising of 1931. This movement proved to be the starting-point of the great political awakening in the state. It made people politically alive and raised them from their age-long slumber of lethargy and inactivity. It inspired people with bright hopes and fixed them with enthusiasm.

Here, it must be remembered that this mass movement, though apparently communal, was essentially nationalistic in character. It was a revolt of the down-trodden against the tyranny and vandalism of the autocracy. It was an open rebellion against the poor and starving. It was here that the seeds of freedom movement were permanently sown, due to the wide-spread discontent among the Muslims, who were extremely backward -- educationally, politically and economically.[2]

stated:

"I am determined to purge my country of the bane of communalism whatever be the obstacles in my way".

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After the disturbances of 1931 and subsequent years, public opinion in the state began to crystalise. Even the government admitted that some changes were necessary. It also became evident to everbody that the people could influence the government and the protagonists of different interests began to organise political parties.

Alongwith the happening of 1931, when the people of the state, particularly the Muslims blew the bugle of Jehad against autocratic rule of the Dogra Maharja,[28] need was felt to bring all Muslims of the state on one common platform in an organised manner. With that end in view the various Muslims groups, that had been taking part in the agitation against the government, coalesced to

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form the All Jammu and Kashmir Muslim Conference. According to Maulana Mohd. Sayeed Masoodi, the decision to form a party and name it Muslim Conference was taken in the Central Jail, Srinagar in course of discussion between him and Sheikh Abdullah.

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Along with these developments, it was felt neccessary to bring all Muslims of the state on one common platform in an organised manner. With that end in view Sheikh Abdullah founded. "The all Jammu and Kashmir Muslim Conference" in 1932. The primary aim and object of the Muslim Conference

Its first session with Sheikh Abdullah as president was held at Srinagar on 14, 15 and 16th oct 1932.

was to fight for the rights of the Muslims, entirely on communal basis. The urge of the Kashmiri Muslim to get rid of the autocratic rule of the Dogra Hindu Maharaja and of the exploitation of feudal landlords, a majority of whom were also Hindus, did initially express itself through a manifestly communal party of Muslim Conference.

...only when

The Muslim Conference launched a movement for civil rights, services and political reforms. In 1934, the Muslim Conference demanded from Maharaja Hari Singh, the immediate implementation of the recommendations of 'Glancy Commission'.[53] The Muslim Conference also demanded the proprietary rights of the land for peasants and abolition of **begar** (forced labour) in the state. Sheikh Abdullah, due to his role in the struggle for freedom of the valley of Kashmir, emerged as the popular leader of the valley.[64]

Though communal in origin and character, it remained national in essence. Sheikh Abdullah, the force behind this organisation, said in his first Presidential address of the Muslim Conference:

> "We stand for the rights of all communities. Our country's progress is impossible so long as we do not establish amicable relations between the different communities. This is possible only when each community learns to appreciate the viewpoint of other communities".[75]

Further, he said:

> "The Kashmir movement is not communal but has come into existence to get the grievances of all classes of people redressed. We assure our Hindu and Sikh brothers that we are prepared to help them in the same manner as we do the Mussalmans. Our country cannot progress until we learn to live amicably with each other".[86]

Next year presenting the viewpoint of the Muslim Conference at its annual session at Mirpur, the Sheikh observed:

> "The achievements of the Muslim Conference so far have benefited all communities equally. The freedom of the press and platform and other concessions have not been wrested from any particular community but from the unwilling hands of the Darbar itself and have been distributed equally among all".[97]

From 1935 onwards, he began devoting his energies of the sectarian character of the Muslim Conference. In an interview to a Press Representative at Lahore in 1935 he stated:

> "I am determined to purge my country of the bane of communalism whatever be the obstacles in my way".[128]

He now decided to make the Muslim Conference broad based, and accordingly in 1935, he proclaimed his determination to fight for the emancipation of Kashmir. He said:

> "Let us all rise above petty communal bickerings and work jointly for the welfare of the masses. I appeal to my Hindu brethren not to entertain ... imaginary fears and doubts. Let us assure them that their rights shall not be jeopardised if they join hands with the Mussalmans".

The history of the Muslim Conference from October 1932 to June 1939 is nothing but the record of the struggle of the middle and upper class Muslims for the achievement of their class rights. The Muslim Conference split in the year 1939 when Sheikh Abdullah decided to convert it into National Conference. From the observations made by Sheikh Abdullah publicly at the very beginning of the movement, as also from time to time, it can be judged that the Kashmir movement has always been for the emancipation of the under-dog, without any distinction of caste, creed and religion. It was, however, neccessary to create for the time being one platform for all the Muslims in the state who, because of illiteracy and poverty, were then under the dope of religion.

It received a setback in 1939 when it was converted into National Conference. Some leaders who seceded from National Conference on the ground that it had become an instrument in the hands of non-Muslim, however, revived it in 1941 [35] and the conference reappeared on the political scene of the state with fresh vigour and energy. With the birth of Pakistan Muslim Conference received an impetus among the State Muslims.

The Muslim Conference stood for unconditional accession of the State to Pakistan. It was also not opposed to the holding of a free plebiscite. Almost all its top ranking leaders and prominent workers had fled from the state in post independence distrubances. Its most prominent leaders were Ch. Ghulam Abbas, Mir Wazir Mohammed Yusuf Shah and Sardar Ibrahim. [36]

As we know the people of the Kashmir province differ in language and race from the people of Jammu province, This fact had much to do with the growing popularity of the Muslim Conference in Jammu province as it was led by the people who belonged to this province.

The leadership of the Muslim Conference soon found out that the problem of the Muslim masses was something more than a due representation of the Muslim community in the State services. They also realised that the condition of Hindu masses was little better and that the problem could be solved only by a Government of the people. They also realised that all Government employees whether they were Hindus or Mahammadans were equally the tools of repression. They were simply the agents of Government and had to keep the wheel of administration going somehow or the other. It was also found out-that many progressive non-Muslims joined hands with the Muslims in demanding a Government responsible to the people. It, thus, became evident that if the gates of the Muslim Conference would be opened to them, the party would have a more effective voice. Further, it was customary for the Government to dub leaders of the Muslim Conference as Muslim Communalists who cared much for the interests of Muslims only. It was, therefore, felt that the inclusion of a large number of Hindus and Sikhs would take the sting off any such criticism [19].

TRANSFORMATION OF MUSLIM CONFERENCE INTO NATIONAL CONFERENC

Over the years Sheikh Abdullah also realised that Musli Conference was a narrow group which would not provide him the means to reach the goal on which he had set his heart The experience of the six years following the inception of the Muslim Conference in 1932 had more than adequately revealed to the leadership of the Muslim Conference tha narrow communal politics would certainly be no remedy for the ills of large-scale poverty, economic hardship and exploitation faced by the people in Jammu and Kashmir irrespective of their religion. Sheikh Abdullah and his colleagues realised essentially that an agitation against the princely rule could not succeed without the support of all the communities. In this condition Sheikh Abdullah stated, while replying to Mohammad Ali Jinnah, the leader of All India Muslim League:

> "After 20 years experience I have realised that this country's ills can come to an end only by the unity and brotherhood between Hindus, Muslims and Sikhs".

Sheikh Abdullah and other leaders of Muslim Conference, over the years, also realised that they had been fighting for the rights of the Muslims only in the name of democracy whereas feudal oppression and tyranny ground down all the poor and lowly in all parts of the state irrespective of their religious affiliations. This realisation gave rise to a

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powerful urge for united action on the basis of a joint demand for transfer of power to the people. This in its turn would lead to a joint struggle by Hindus, Muslims and Sikhs all over the state for democratic rights for the common people. Towards this objective the Sheikh stated in 1938:

> "We must open our doors to all such Hindus and Sikhs who like ourselves believe in the freedom of their country from the shackles of an irresponsible rule". 21 11

The Sheikh was also gradually attracted by the charismatic personality of Gandhi the unity of Congress under his leadership, its grand universal objective and the secular nature of civil disobedience movement launched by Gandhiji. Slowly and steadily, Sheikh Saheb gravitated towards the national movement. His friendship with Pandit Jawaharlal Nehru also grew. They liked each other and their relations were close. Consequently at the 6th annual session of the Muslim Conference in 1938, Sheikh Saheb observed that to organise joint action it was neccessary to rechristen the Muslim Conference as a non-communal political body by introducing certain amendments to its Constitution:

Subsequently, a resolution recommending the change both in the name and the Constitution of the Muslim conferene was formally moved. But due to some technical reasons the matter had to be postponed for a later date. Thereafter the

in the subject committee — M. [illegible] (132)

In the subject committee, therefore, a resolution was introduced by Maulana Mohammed Sayeed that the name of the Muslim Conference be changed to that of All Jammu and Kashmir Political Conference, which, in other words, meant to open its doors to non-Muslims by dropping the word Muslims. Raja Mohd. Akbar from Mirpur supported the resolution. But it was opposed by A.R. Sagar, Sheikh Mohd. Amin and Abdul Majid Quareshi. Mr. Sagar and Sheikh Mohammad Amin introduced an amendment seeking to defer its consideration in order to elicit public opinion so that it could be taken up for discussion in the next session. The amendment was accepted and the resolution was deferred for further discussion[47].

It was in these circumstances, the Working Committee of Muslim Conference met on 28th June, 1938 at Srinagar and after a hot discussion lasting for five days and spread over 52 hours passed the resolution:[48]

> "Whereas in the opinion of the Working Committee the time has now come when all the progressive forces in the country should be rallied under one banner to fight for the achievement of responsible Government, the Working Committee recommends to the General Council that in the forthcoming annual session of the Conference the name and constitution of the organisation be so altered and amended that all such people who desire to participate in this political struggle may easily become members of the Conference irrespective of their caste, creed or religion".

According to Mr. Rashid Taseer, Ch. Ghulam Abbas Khan, Sheikh Ahmed Din Banihali, Mr. Abdul Majid Quareshi and some other opposed the resolution where upon they were asked to resign from the party[49].

In August, 1938 the party issued a National Demand stating that the ultimate goal of the people was to bring about complete change in their social and political outlook and to achieve the responsible government under the aegis of the Maharaja.[50]

The mid-June,1939 however wit-nessed the transformation of All Jammu and Kashmir Muslim Conference into All Jammu and Kashmir National Conference after passing almost unanimously[51] of the resolution of the Working Committee 28th June, 1938 by

the delegates of the special Session of the Muslim Conference.
The first Annual session of the National Conference was thus held at the end of September, 1939 and among other things, it ratified the document known as National Demand[52].

For some time the National Conference carried its activities on the lines followed by Indian National Congress. But a deviation then began to appear. The main reason was that the coversion of the Muslim Conference into National Conference had alienated the sympathies of some orthodox Muslims from it. They began to organise association in opposition to National Conference and the leaders of the National Conference became shaky. They began to make statements in order to express sympathy with the Muslims. For example Sheikh Mohammed Abdulla made some remarks about comparative greatness of Islam as a religion. When his remarks were criticised in the working committee of the National Conference, he lost his temper and remarked that he was Muslim first and Muslim afterwards' and refused to withdraw his remarks. This led to the resignation of two of the Hindu members of the Working Committee[53]. Another example was the National Conferences' attitude towards script controversy. On 21st October, 1940 the Government issued Council order No. 989/C making simple Urdu(or Hindustani) as the medium of instruction in Schools and giving recognition to both the Persian and the Devanagri Script[54]. The choice of the script was left to the pupils and the School where more than 15% of the students wanted to learn either script, the teachers were to know both the scripts. This order removed a genuine grievance of the Hindus by giving their children the option of using the Devanagri script. Before this the medium of instruction was Urdu written in the Persian script only . On 8th February, 1943 by a Council order No. 113/C, it was enacted that in future, the language to be used as medium of instruction and named' Simple Urdu'was to have common vocabulary-consisting of words common to Urdu and Hindu. The National Conference leaders shocked every Hindu Nationalist by raising strong objection to the orders on the ground that the Government intended to impose Sanskrit script and to create a rift between the Hindus and Muslims by specifying a different script for each community. Such an action of the National Conference generated a lot of criticism and deprived it of many of its Hindus supporters[55].

Even J.S. Sathu pointed out that for a few years after its birth

References

1. Kaul, Seema : Regional And Religious Dimensions of Jammu And Kashmir Politics since 1947

   ph. D. Thesis University of Delhi. 1992 P-140.

2. Handa, R.L : History of Freedom struggle in princely states Central News Agency, New Delhi 1968 P 248.

3. Sathu, Jagan Nath : Behind the Iron Curtain in Kashmir Kashmir Democratic Union, 30 Faiz Bazar Delhi Jan. 1952 P-9.

4. Saraf, Muhamad Yusuf : Kashmiris Fight for Freedom ~~vol~~ Feroz son Ltd Lahore vol-1 1977 P-332

5. Gajendragadkar, P. B : Kashmir Retrospect and prospect University of Bombay press Bombay 1967 PP 23-24

6. Handa, R. L : History of Freedom struggle in princely States op.cit. PP 249-51

7. Kaul, P.N; Dhar, K.L : Kashmir speaks The oxford & cambridge press ~~S. Chand & Co Delhi~~ ~~1958 P 37~~ Delhi 1950 P-186

8. Ganju, M : This is Kashmir ~~Cassel London~~ S. Chand & Co. Delhi Delhi 1948 P 8

9. Kaul, P.N; Dhar, K.L : Kashmir Speaks op.cit P-37.

10 Bhushan, Vidya: ~~Bhushan, Inder~~. The Evolution of Democratic Institution in Indian polity
ESS ESS publications
New Delhi 1989 p 123

11 Ibid

12. Kaul, P N, Dhar K-L: Kashmir Speaks
op. cit. p-186.

13. Kaul, Seema: Regional And Religious Dimentions of Jammu & Kashmir politics since 1947.
op. cit p. 144

14 Saraf, Muhammad Yusuf: Kashmiris Fight For Freedom
op-cit. p- 512

15 Ibid PP-518-19

16. Ganju, Dr. M. This is Kashmir
op. cit. p-8.

17 Bhushan Inder: Government and Admi[illegible]
in Jammu & Kashmir

18 Sathu, Jagan Nath: Behind the Iron Curtain
op. cit p - 10.

19. Bhushan, Vidya: The Evolution of Democratic In[illegible]
in Indian polity.
op. cit p-130

20 Shankar, Uma. Kashmir, Triumph and Tragedy
India publishing House, New Delhi, 197[illegible] p-24

21 Kaul, Seema: Regional And Religious Dimentions of Jammu & kashmir politics since 1947
op. cit p-146.

raf, Mohammad Yusuf : Kashmir's Fight For Freedom

op. cit vol I p-524

Ganju, Dr. M. : This is Kashmir

op. cit. pp 9-10

24 Saraf, Mohammad Yusuf : Kashmir's Fight For Freedom

op. cit p. 525

25. The National Demand, published by M. M. Sayeed From Mujahid Manzil Srinagar

26. Bhushan, Vidya : The Evolution of Democratic Institutions in Indian polity op. cit. p. 131

The British policy Towards Central Asian States And Kashmir in pre-Independence.

Just after the industrial revolution in the West, the rising European industrial nations began looking out for more and more colonies all the world over. As a result nineteenth century witnessed the emergence of two rival imperalist powers-Great Britain & czarist Russia - trying to supersede each other in extending their territorial and commercial interests in Asia and thus widening their spheres of influence day after day. Whereas G.B. depended on her maritime superiority as the bedrock of her colonial expasion in Indian sub- continent and further south -east, Russia was a 'Land animal' tryed to continue its onward march in central Asia till she reached the banks of the oxus which rises in the mountains of Badakhen.

In this scenario of fierce political rivalry between these two powers in Central Asia, the entire Himalayan ranges from east to west became alive and active for political inter-action. The nineteenth century imperialism and colonialism, however, worked according to their own theories. One among these was to corve out buffer states over the entire east- west extensions of the Himalayas and to create the watersheds, to protect colonial empires from frequent incurdions and encroachments by the rival power. carving out of a buffer state on the southern foothills of the karakoram and the pamir regions with nominal sovereignty was, therefore, a logical conclusion to the British policy of avoiding any direct confrontration with the Russians. By some strange coincidence, the buffers were also to some extent natural dividing lines or watershads which admitted for less intrusion unless otherwise specifically contrived. Having over central Asian Khanates of Bukhara and Khokand, Russia, thus remained contended with the boundaries created by the pamirs and Bada Khahan mountains.

It was a clear indication that two powers had indirectly, come to an unannounced compromised in regard to their respective spheres of influence and control in the northern and southern slopes of the Pamirs and Badakhshan extending eastwards to the Karakorum ranges.

This arrangement suited the British because having informally conceded Russian occupation of Central Asia almost upto the banks of the Oxus, they could find some relief to divert their attention to the situation that was developing in the Caspian region and Iran. There were two reasons for them. One was the possibility of Czarist expansion towards the northern bormders of Iran extending upto Caspian Sea and the second was that of Persian Gulf which controlled the channel of naval approach to Iran. The weakening of Iran was a direct threat to British Indian Empire. Furthermore, most of the invaders of Indian sub-continent had used the overland route, viz. Khandhar, Khyber pass, NWFP and Punjab. This route was far easy to traverse than the mountain passes of the Pamirs or Karakorum. It was, therefore, of utmost importance that any possible intrusion from Russiaw along this route was plugged well in time. This was the reason why simultaneously with the political tremors in Northern India and Afghanistan in the mid-19th century, Iran was also drawn into the vortex of Central Asia

scenario at that point of time. The role which the two powers played in Iran simultaneously with the one they played in Central Asian region is not to be delinked while studying 19th century imperialism in Asia. The two powers agreed on the division of Iran into two spheres of influence, the British functioning in the south and the Russians active in the north. The presence of a strong British naval fleet in the Persian Gulf under this arrangement was direct sequel to British anxiety of securing their Indian colony from any threat from the north. In the same way, stationing of a Russian garrison in Caspian and Turkmenian regions and eastwards of it was to stop northward expansion of British political agents and their activities.

~~Yet~~ Despite these moves and counter moves on the chessboard of Asian politics reflecting the modes of imperialistic expansion, it should not be inferred that the British remained complacent with the mere creation of buffers and leaving them to their fate. Britain's policy regarding her position along the northern mountainous region crystallised when Russia first over ran the Central Asian Khanates, and then allowed them to retain nominal sovereignty or

sovereign status, and maintained their position thereof. In real terms, they established their suzerainty over these Khanates. In technical terms, we may say that they created a buffer between the Russian and the British Indian territories in the Central Asian region. In a sense, this was precisely what the British did ~~on their part~~ in the northern region of the Indian sub-continent. Therefore, what emerged not one but two buffers between Russia and British Indian Empire, viz. that of Central Asian Khanates on Russian side, and the state of Jammu and Kashmir on British Indian side. In a loose, sense Afghanistan at that point of time could be characterised as another buffer. But since that type of arrangement was not possible in the case of Iran, she had to be divided into spehres of influence.

This is just an overview of Central Asian region in the second half of the 19th century. Great Britain, perhaps, remained satisfied with the arrangement which surfaced after the fall of the Sikh Kingdom in the fourth decade of the 19th century. The Sikh Kingdom had posed threat to the British authority

in India and at the same time the British Indian authorities suspected the Sikh Durbar of toying with the idea of establishing contacts with the Russians in Central Asia. The British, therefore, kept a close watch on what was going on between Sikhs and the Central Asian Khanates. However, the fall of the Sikh Kingdom eliminated this threat to the position of the British in India. But the fact remains that a new development was shaping beyond the Pamirs and the Hindu Kush which had a bearing on the Indian political scene.

The Khanates of Central Asia, particularly those of Bukhara and Khokand, were functioning in a despotic style, the typical oriental autocracy despite the fact that they happened to drag under the suzerainty of the Czarist Russia. For various reasons, the Russian Governors in these Khanates, during the later half of the 19th century did not actively interfered themselves to the internal administrative and social matters of these Khantes, but kept a watch over their own own interests. They ensured that territorial integrity of these Khanates was not violated either by China or by the British. In

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a way they allowed them to go on with their despotic regimes and their large scale feudalistic system. A comparative study reveals the near identical policy between the British and Russians towards the respective buffers. The general impression given out by the Russian imperialists about the Central Asians was that they were uncontrollable and uncivilised, bred on the pattern of nomadic ways of life. As such the people had the capacity to take the tyrannical system imposed by their despotic Khans. This was exactly what Lord Curzon had termed as 'Asian barbarianism'. As long as that thinking prevailed, the British did not take any concrete counter-step because they did not find it necessary to precipitate the crisis.

But in the second half of the 19th century discontent against the oppressive and despotic rule of the Khans of Bukharas and Khokand began to surface in Central Asia. It gradually spread among the masses. Perhaps the Balkan wars and other developments taking place in the region of Adriatic Sea had a bearing on the awakening in Central Asia.

Iran's contacts with France and the latter country's increasing interest in '<u>The levant</u>' also contributed to the process. It was also true that the presence of Russian troops and its auxiliaries in Central Asia gave the backward people an idea of what a prosperous society looked like. All these developments contributed to the surfacing of a movement in Central Asia around 1870s which has been called national liberation movement in technical or political terminology. (~~Perhaps many people are not fully aware of the fact that~~) Even long before the onset of Bolshevik movement in Russia, the Central Asians had initiated a national liberation movement with its centres at Samarkand and Bukhara. It gradually turned into a mass movement in which people of all sections, took active part. (Peasants, labourers, soldiers and civilians drafted for compulsory military service, writers, thinkers and petty burgoise all were galvanised into the national liberation movement. One Sadru'd Din Aini, a writer, thinker and intellectual from Samarkand played a conspicuous role in leading the national liberation movement on intellectual level. He suffered great physical tor[illegible] as did many others with him.)

The Khans tried to win over the clergy and through them tried to sabotage the movement. By degrees it spread to the whole of Central Asia, and finally when the movement became strong, the Czarist regime was forced to define its policy.

The British also took cognizance of this situation. A national movement which desired to establish a responsible government was a welcome step from British point of view because it would ultimately bring the masses in confrontation with the Czarist domination. This was one of the reasons why the British towards the early years of the 20th century or even towards the concluding years of the 19th century were not really averse to granting limited measures of constitutional government to Indian colony. A number of Acts passed during that period were indicative of Britain's flexibility in comparison to the rigidness of the Russian Governors ofthe Khanates.

The October Revolution of 1917 ushered in a new era in the history of Russia and Central Asia. A new ideology had appeared which was strong enough to resist the classical imperialism and colonialism.

Czarist regime had been liquidated by a powerful movement, and by 1927, most of the Central Asians had decided to become the federating units of the then new state of Soviet Socialist Republics. Since defence became a federal subject in the new dispensation, the British were alarmed. The Red Army had then occupied the strategic border outposts along the Pamirs and Badakhshan. Besides the red banner, they also carried the ideology of communism which was a real threat to the whole imperialist system. The new situation had to be reckoned with.

The creation of the State of Jammu and Kashmir was understandable from the British point of view. It did serve their purpose well. It was a wild dream with the Dogra rulers to think that they had been granted real sovereignty and that they would meet with no interference in their internal affairs by the British. British policy towards the buffer states, including Jammu and Kashmir, had two broad aspects namely imposing restraints indirectly and direct intervention. As regards the first aspect, the British gave the Maharajas of Jammu and Kashmir the impression

that they enjoyed a sovereign status over their state. The treaty of Amritsar and subsequent agreements could be interpretted in that way. In this way, they cajoled the rulers into believing that he could do whatever he liked. Under such an impression Maharaja Gulab Singh conducted expeditions for the annexation of Ladakh and Baltistan. This presumption made Maharaja Ranbir Singh to send his troops as far as Shadulla in Eastern Turkestan and build a fort there. From a study of political events of that period, we find that the British adopted a double strategy in regard to the impression of sovereignty of the rulers of the state. While they encouraged the Maharajas to conduct expeditions in the northern territories, yet at the same time they knew how far the Maharaja should go. Once the tolerable limits were reached, the British saw to it that no further expansion was allowed. Moreover, the British had their own espionage system to obtain intelligence on the nature of relations which the Dogra rulers desired to establish with the chieftains of these regions. This necessitated the presence of the British Residents in the state. After all the Resident was the eye, the ears and the hands of the British government.

The vexing question of deputing a Resident to Kashmir Durbar which the Dogra rulers vehemently resisted, had been kept alive from 1860 onwards, and the Dogras had ultimately to succumb to the dictates of the imperial power.

The second aspect called direct intervention stemmed from the October Revolution, coincided with the rule of Maharaja Pratap Singh. Temperamentally, Pratap Singh was a direct contrast to his illustrious father, Maharaja Ranbir Singh. Whereas his father was of aggressive and forward looking disposition he was a week-kneed person. This suited the British more than anything else. Thus when we say active intervention, we take into consideration the episode of forged letters alleged to have been written by Pratap Singh to the Russian agents in Central Asia, and the resultant curtailment in the powers of the Maharaja. The British made their physical and administrative presence felt in the Durbar by posting their Resident in the State. The decree by which Maharaja Pratap Singh regained his power showed the extent to which his powers had been taken away and given in the hands of the Resident. The semblance of sovereignty witnessed

The second aspect of the policy was the direct intervention. As a week kneed person and a contrast to his illustrious father Maharaja Ranbir Singh, Maharaja partap Singh suited the British more than anything else. Under the plicy of direct intervention the British had curtalled the powers of the Maharaja partap Singh on the plea that he alleged to have been written letters to Russian agents in Central Asia against the British. Even after the death of Maharaja partap Singh in 1925, the new Maharaja Hari Singh was forced to issue orders for stopping publication of such material, newspapers, magazines etc which spoke of communist ideology.

However, soon after the central Asian region joined the Soviet Union as the Republic of Ubakistan, Kirghizia, Tajikistan etc. and there appeared a counter revolutionary movements in central Asia - called Basmachi movement - the British imparialists, along with conservative mulsim and reactionaries supported them. But when this movement could not succeed the British carved out an Agency called Gilgit Agency.

This area was most relavant for the British around 1928 because it was not only northern gateway of India in Kashmir state but also where the boarders of

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U.S.S.R, China, Afghanistan and India met. The belief that Russia might one day occupy Kashmir had caused Lord Lytton and his successors to give priority to Gilgit as well as the Yasin passes. Thus, they saw the significence of Gilgit as commanding the valley and the mouth of the Hunza river. Another factor which contributed to the British take-over of Gilgit was the chinese ambitions in Hunza.

imperialistics. Turkey played an important role in abetting the counter-revolution. But the Soviets made a fierce assault on them, and after a protracted struggle ultimately succeeded in liquidating them. The British had great expectations from this Basmachi counter-revolutionary movement. If it succeeded, pressures on Dogra Durbar would have been relented. But that did not happen, rather never could happen in view of the situation that prevailed at that point of time. Therefore, as an anticipatory measure, the British carved out an Agency called the Gilgit Agency, the northern gateway of India, in Kashmir State around 1928.

~~In the concluding chapter of the study, we have tried~~ It may now be desirable to bring out the political and strategic constraints and compulsions for the British to pay special attention to the northern region of Gilgit. Its close proximity and contiguity to Russian and Chinese borders lent it the strategic importance. In fact, the British had realised this importance of the region towards the second half of the 19th century. Gilgit comprised the vast northern area with principalities and chiefships of Yasin, Chitral, Hunza,

Nagar, Punial, etc. The presence of these chiefships was a positive factor in the British policy of creating pockets of influence. A brief recapitulation of the background story to the making of Gilgit Agency, the area where the borders of the USSR, China, Afghanistan and India met, would be relevant.

When Lord Lytton became Viceroy in 1876, he was already committed to an active policy in the North-West, aimed primarily at countering Russian expansion which threatened to overflow the mountain ranges. He believed that the prevention of such a catastrophe was best achieved by paying off, subsidising or neutralising the tribal people who had hitherto lived on the fringes of the Himalayas, satisfying their martial spirit by inter-tribal disputes, or raiding occasional carvans enroute for Kashghar, Khotan and beyond in Turkestan.

Afghanistan had already been neutralised and Khashmir was under control. Lytton convinced the more cautious Lord Salisbury, the then Secretary of State, that it was necessary to occupy Yasin, the principality in the neighbourhood of Gilgit towards NWFP in the west.

This would cover the Ishkoman and Baroghill passes; the first one controlled a road from Wakhan into the Indian plains via Chitral, Chilas and Torbela; the second one led to Chitral and on to Peshawar. Lytton suggested that the Maharaja of Kashmir should extend his authority to Yasin by supplying him five thousand British rifles, and that in return he should permit a British agent in Gilgit. The Maharaja liked the first idea but not the second -a British representative in Kashmir and in Gilgit, who would track his ambitions in Afghanistan. Eventually, the Chief of Chitral received a handsome annual stipend. A Kashmiri official amenable to British pressures was allowed to stay in Chitral and Yasin. An agreement was signed by the Chief of Chitral and the Maharaja of Kashmir by which the Chief agreed to signify his friendship with the Maharaja.

Britain's Himalayan policy was built on bonds with Chiefs who controlled strategic zones between the British frontier and those passes which Lytton once described as 'the broad belt of independent barbarianism'. The leaders of Missions to these areas were instructed

to develop friendly relations with tribes beyond the Kashmir borders, but on no account to interfere with the internal administration of the Maharaja's territories or to encourage complaints against his government. Frontier diplomacy of the British, therefore, meant the discovery of local Chieftains and their worth and how much the other suitors were prepared to pay.

The natural boundary of India was thus formed by the convergence of great mountain ranges of the Himalayas and of the Hindu Kush which extended northwards upto their junction. By the time Lytton left India in 1880, Chinese troops had re-occupied Eastern Turkistan calling it the New Dominion. In 1881, a treaty between Russia and China provided for complete freedom of commerce between the two territories (eastern and western Turkistan) and Russian caravans soon poured such large quantities of goods into Eastern Turkestan that Indian exports could not compete with them. In the interests of trade and strategy, Captain Younghusnand was sent to Kashghar to take stock of the situation.

Lytton's successors, though not as committed as he was to a 'forward policy' had no alternative but to

adopt it. The situation in 1881 was studied at Simla. The paramount power came to the conclusion that the Chinese had drawn their western and southern frontier in Turkestan. The western frontier extended to the Bolan mountains and followed the range in a southerly direction until it met the northern spur of mountains springing from the Hindu Kush. The Chinese considered all to the south of the Sirikul district and the above named three passes the territory of their friendly neighbour, the British.

The belief that Russia might one day occupy Kashghar had caused Lytton and his successors to give priority to Gilgit as well as to the Yasin passes. They saw the significance of Gilgit as commanding the valley and the mounth of the Hunza river. ~~Colonel Durand had also arrived at this conclusion, when, as Governor of the Punjab,~~ The also emphasised the need for the entrance of the Gilgit valley to be in the hands of Kashmir, ~~thereby ensuring that an adequate force could hold the watershed between the Gilgit and Chitral valley. Brigadier General Lockart~~ They also urged the need for a British Agency at Gilgit, where the British pressence might help to keep the peace between the Chieftains of Hunza on the right bank of the Hunza river and Nagar

on the left bank. Hunza, a small state sometimes called Kanjut, was in the north-west of Kashmir, marching into the north-west with the Sarikol district of Sinkiang. To the north it stretched up towards the junction of the Mustagh and Hindu Kush ranges.

Another factor which contributed to the British take-over of Gilgit was the Chinese ambitions in Hunza which were, no doubt, stimulated by the British action in Kashmir. In 1847, the Hunza chief had rendered assistance to China in overcoming the rebellion of seven Khojas in Yarkand. Thereafter a fixed subsidy was paid by China to the Hunza chief who in return gave his nominal allegiance to China. When Durand re-established the Gilgit Agency, Safdar Ali Khan, the ruler of Hunza promised 'that there should be a cessation of interference on the part of Chinese officials in the internal affairs of his country'.

Thus the British policy towards their tribal chieftains was clear cut. It was to counteract the Chinese and Russian attempts to establish an influence in these parts, to explain to the chiefs the position as it then existed; to acquaint them with the wishes of the government and to offer them increased subsidy

on the condition of grant of free access to their countries by British Officers, whenever considered necessary.

This is the brief background to an important political decision taken by the British towards the first and second decades of the 20th century, viz. carving out the Gilgit Agency. The structure and modalities of administration of the Agency have been discussed in this study and need not be repeated. The Agency perpetuated till 1947 when Indian was divided and made independent. The entire area was forcibly occupied by the new dominion of Pakistan and continues to be in her possession now.

In ~~summing up, we have seen that~~ short the British had a clear policy in carving out the buffer of J&K State. Then followed their indirect as well as direct intervention aimed at curtailing the powers of the rulers. This was the objective which made the British to launch three compaigns in Afghanistan as well. They wanted these Himalayan Kingdoms and principalities to be used as observation posts, apparently independent but weak so as to depend

largely on them. Had not the great October Revolution taken place in Russia in 1917, the British would have continued their indirect intervention in the State of Jammu and Kashmir and avoided direct intervention like the carving out of the Gilgit Agency or fraternising with the Chieftains of Chitral, Hunza, Nagar etc. The ~~appearance of the~~ Bolshevik revolution led to gradual erosion of whatever was left of the sovereign status of Dogra rulers of Kashmir. The State was made into a handiwork of British policy vis-a-vis the emergent Soviet Power extending from Orenberg to the snow clad peaks of Badakhshan and Pamir mountains in the south.

References :

1. concerning files of secret Foreign Deptt and secret political Deptt from 1812 to 1942 N.A.I new Delhi

2. concerning files of Foreign political Deptt from 1846 to 1942 in Jammu & Kashmir Govt. Archieves Jammu/Srinagar.

3. Census of India, Kashmir vol XXXIII, 1891; Census of India Vol XXXV 1931 and census of India, J&K vol XXII 1941

4. Ladakh Trade Report of 1881, of 1888-89; Report on Indoyarkand Trade via Ladakh 1907

5. Report of a journey to Nepal Samvat 1931 and Handbook of Trade product calcutta 1874

6. Asiatic Journal 3rd January, 1838, Journal of Central Asian Society 1915, Journal of Central Asian Society 1955, Journal of Royal central Asian survey oxford press 1958, Journal of Asian Studies 4 August 1961, Central Asian Review London 1965 and Hindustan Times 9 March 1969.

7. Alder, C. B : British Indian Northern Frontier 1865-95: A study in Imperial policy service Co Ltd London ~~1957~~ 1966.

8. Abdul Fazal : Ain-a-i-Akbari

vol (III). Oriential Books Reprint Corporation 54. Rani Jansi Road ~~Jamfar Books News~~ New Delhi 1986.

9. Abdul Fazl : Akbarnama

Vol III Rase Book New Delhi, 1973.

10 Bamzai, Anand Koul : History of Kashmir

Safdar Jang Enclave, New Delhi 1863

11. Burns A : Travels into Bukhara

Vol II Safdar jang Enclave New Delhi 1862

12 Chohan, S.S : The Gilgit Agency 1877-1935

Atlantic publishers, vishal Enclave Najafgrah Road New Delhi,

13. Charak, SS : Life and Times of Maharaja Ranbir Singh

Jay kay publishes of Jammu. 1985

14. Drew, F : The Jammu And Kashmir Territories

London 1875.

15. Dewan, Kripa Ram : Gulab Nama

Light & Life publishers New Delhi 1977.

18. Saraf, Veena kumari : Jammu And Kashmir State And Central Asia – Political Relations – 1857 to 1947

Ph.D. thesis, University of Jammu, Jammu 1992.

~~20. Informations received during discussion with Prof. K.N Pandita on the topic at various~~

20 Informations received during discussion together with Prof. K.N Pandita – an eminent scholar and ex-director of Central Asian Studies of Kashmir University on the topic at various occasions.

③

POLITICO-HISTORICAL PROFILE OF JAMMU AND KASHMIR STATE — A BRIEF APPRAISAL

Kashmir can claim the distinction of being the only region of India which possesses and uninterrupted series of an ancient Sanskrit written records of its history, reaching back beyond the period of the Muhammadan conquest and deserving the name of real chronicles.[1] Kashmir has, therefore, a Sanskrit chronicle tradition which is unique in Hindu India and reminiscent of chronicles of the Muslim world or medieval Europe.[2] The earliest extent and most important of these chronicles is the Rajatarangini (i.e. stream of Kings) compiled by Kalhana in about A.D. 1150. Kalhana had given an account of the region upto A.D.1006, whereas Jonaraja upto A.D.1420, Pandit Srivara upto A.D. 1489 and Pragya Bhatt upto A.D.1586 when Kashmir was annexed by the Great Mughal Akbar.[3] Since then the history and chronicles of Kashmir have been written by many Sanskrit and Persian scholars as well as by many western travellers.[4] From the period of the first settlement in Kashmir to the reign of Gonanda, the first Prince, the region was governed by a succession of fifty two kings of the Kaurava dynasty which ruled over it for a period of about 1266 years.[5]

In ancient India, Kashmir had an honoured place. The chronicles speak of a glorious king of Kashmir named Gonanda who was worshipped by the region which Kailasha lights up and which the tossing Ganga clothes with soft garments.[6]

B. 1818

Kashmir was a part of the empire of Ashoka who laid the foundation of city of Srinagar.[7] He is said to have introduced Buddhism in Kashmir and sent about five thousand Buddhist disciples for its propagation. Many Buddhist monasteries, therefore, came up in Kashmir during his time.[8] He also introduced the cultivation of Saffron in the Valley and took many steps to improve agriculture.[9] The Buddhist faith had, however, received an impetus at the hands of the Indiano-Scythian rules, particularly Kanishka, Huska and Juska.[10] The Third Buddhist Council was held in Kashmir under Kanishka's patronage and from that time Kashmir became the centre of Mahayana from where missionaries carried the doctrine to distant China, Central Asia and Tibet.[11] But all the subsequent rulers were not supporters of Buddhism. As a result of the rise of Shiva cult and philosophy, Buddhism though linger on for some years, but was finally replaced by the traditional Brahminism.[12] Tolera turi, however, been the key note of religious policy even in those remote years and the people of different religious faith lived together amicably.[13] After the commencement of of the Christian era, the valley was invaded by Tartaras.[14] In the sixth century A.D. came the white Huns.[15] The two other notable kings in Kashmir were Pravarsena II and Lalitaditya. Whereas Pravarsena-II reigned about 700 A.D. and built his capital on the site of the present Srinagar. Lalitaditya, being the most famous of the later Hindu kings ruled over Kashmir in the middle of the eighth century and distinguished himself by his successful campaigns in

Central and Western India and Central Asia.[16] He is said to have subdued many kings in India in a tour of conquest for 12 years and then turned his attention to Central Asia and returned victorious via Tibet.[17] It is recorded that he was a patron of art and culture and carried out many public works and built many temples including Martanda Temple. Mahmud of Ghazni said to have attempted to invade Kashmir, but failed to effect entry.[18]

The subsequent political history of Kashmir for some hundreds of years was a succession of violent changes in which dynasty succeeded dynasty and some adventurer or other by his military talent acquired power.[19]

Towards the middle of the 14th century the Muslim rule was established over the valley, This religion had found a fertile soil to grow and expand because the people had been groaning under the misrule of the later Hindu rulers, when trade had languished and agriculture was at standstill.[20]

The most notable of Muslim rulers were Sultan Zain-ul-Abdin (1420-70 A.D.) who had worked zeolously for the greater benefit of greater number and said to have introduce the vocations like Carpet-Weaving, paper-making, paper-mache, Silk breading, horticulture, stone-culting, stone polishing, windo-cutting, bottle-making, gold-heating, shawl-weaving etc. in Kashmir. He was generous and brave and earned the goodwill of Hindus who had been persecuted

? wood.

earlier. He encouraged learning, fine arts and polytechnices.[21] He had also invtied to Kashmir skilled craftsmen viz. the weavers, embroiders, wood-carvers and makers of brassware, carpets and paper-mache form Turkey, Mecca and Egypt, who were the progenerators of skilled craftsmen of todays Kashmir.[22] The death of this enlightened Sultan left Kashmir Valley a prey to the old anarchical influence and it was not until the conqest of the territory by Emperor Akbar towards the end of 16th century (in 1586), that a region of order was established.[23] Akbar had visited Kashmir thrice and during his last visit he got constructed the fort on the Hari Parbat Hill to attract the people who had fled the valley because of the atrocities committed by Chaks. He also laid down a sound revenue system through his revenue Minister Todar Mal.

Jahangir and Shah Jahan were very fond of Kashmir. They built stately mansions, planted chinars and liad out various pleasure gardens around the Dal Lake and elsewhere.[24] The Mughal rule lasted until the middle of the 18th century when in consequenc s of the decay of the imperial power, the governor of the State became independent of Delhi.[25]

Thereafter it fell under Afghan despotism and the people were oppressed by a succession of governors from Kabul, each more cruel,than his predecessor. Their rapacity was inflicted on the people irrespective of religion or caste.and Hindus and Muslims were alike the victims of their cruel rule. It was said of them that they thought no more of cutting off heads them of plucking flowers.[26] When

their yoke became insupportable, the Kashmiris turned for aid to Ranjit Singh whose rising star was then attracting the attention of India. As a consequence of this appeal the Sikhs sent an army to Kashmir in 1814, the advance being made over the Pir Panjal. The expedition was a failure and nothing further was done until 1819 when Ranjit Singh's best general, Misr Diwan Chand, accompanied by Gulab Singh of Jammu, invaded Kashmir and after driving out the Afghan representative, Jabbar Khan, established the Sikh rule. A terrible famine ravaged the valley in the early years of the Sikh regime. The Sikh rule had been similar to that of the Mughal. The governors for Kashmir were appointed from Lahore and as many as ten governors were sent there during the Sikh rule. They used to govern according to their own whims and caprices. Main Singh was the most popular Sikh Governor and the grateful memories of his exertions to repair still linger among the people. He was unfortunately assissinated by mutinous troops.[27]

While Kashmir was passing through the later vicissitude in its history a new power was growing in influence on the environs of the Valley. This was the authority of the Dogra Prince, Gulab Singh, one of Ranjit Singh's favourite Lieutenants. Created by Raja of Jammu in 1820 for services rendered to the Sikh cause , Gulab Singh by force of character, speedily organised his territory on firm lines. Eventually he established a complete domination over nearly

all the regions between Kashmir and Punjab. Ladakh and Baltistan were also brought under his control with the result that Gulab Singh was practically master of all the territory immediately surrounding Kashmir.[28]

When war broke out between the British and the Sikhs, Gulab Singh refrained from taking sides and in 1846, after the battle of Sobraon, he acted the part of a mediator between the British and the Sikhs. The treaties concluded as a result of this intervention gave to the British, as equivalent of an indemnity of ten million rupees, the hill country between the river Beas and the Indus. Out of this ceded territory the British transferred to Gulab Singh, for sum of seven and a half million rupees, all the hilly and mountainous country situated to the east of the Indus and the West of the Ravi by signing the treaty of Amritsar on 16th March, 1846. He tried to consolidate peace in the otherwise deplorable conditions then prevailing in Jammu region. In February 1856, Gulab Singh gave up his throne in favour of his son Ranbir Singh. Gulab Singh died in 1857 and in 1860, his son and successor, Ranbir Singh sent a well-equipped expedition against the mutinous chief of Gilgit and the adjoining territories, and succeeded in finally establishing the Dogra hold on this outpost.[29]

In 1870 Maharaja Ranbir Singh sent his troops to Hanza and Nagar and obtained their vassalage. Later, when the Afghan war was in the offing and the Britishers were

anxious to isolate Afghanistan and eliminate any possible threat from Chitral, Maharaja Ranbir Singh was encouraged to send an expedition to Chitral and obtain its vassalage. Negotiations were opened between the army officers of the Maharaja and the Mehtar of Chitral which eventually resulted in a treaty between Aman-ul-Malik, the Mehtar and the Maharaja. According to the treaty the Mehtar accepted the suzerainty of the Maharaja and in token thereof agreed to pay annually a small tribute.[30]

It was thus towards the end of the 19th century that the Jammu and Kashmir state came into shape, the Maharaja's authority extending from Chitral in the North to Kathua in the South and Aksai Chin in the East and Kohala in the West. The state thus became the most important frontier region of India.[31]

Ranbir Singh was an excellent ruler, and a man of learning, culture and sharp intelligence. The close of his reign was darkened by the calamitous famine of 1877-79, which decimated the Valley. On the death of Ranbir Singh, in 1885 his eldest son, Pratap Singh, ascended the throne.[32]

Maharaja Pratap Singh had a tough time with the British Indian Government. In order to secure direct control over the State, they appointed a Resident who wielded unlimit-ted powers over the administration.

It was only towards the end of his long reign of forty years that some semblance of power was restored to him.[33]

During his regime education was modernised. Several schools and two colleges - one in Srinagar and another in Jammu were set up. Hospitals and dispensaries were opened. The valley was linked with the rest of the Country by two cart roads — one between Srinagar and Rawalpindi and another between Srinagar and Jammu.[34]

Thus, with the spread of education and faster communications between the State and the rest of India, there began a ferment among the people and they became conscious of their economic and political stagnation.[35]

In the early twenties of this century, this discontent suffaced with political demands voiced by a few leaders in the State. They were no doubt influenced by the freedom movement launched by the Indian National Congress under the leadership of Mahatma Gandhi. But the abortive agitation was ruthlesslu suppressed by the Maharaja who, however, passed away in 1925.[36]

During the region of Maharaja Hari Singh, ~~was~~ who succeeded his uncle Maharaja Pratap Singh in 1925. The political consciousness had dawned on the entire length and breadth of the Sub-continent. As a result a continuous

struggle for freedom and democratisation of the administration in the state also started. It had its origin in the widespread discontentment among the Muslim masses who constituted 78% of the total population of the state and 49% of the population in the Kashmir Valley.[37] but had very inadequate representation in the state services as well as in the economic and industrial life of the state.[38] The bulk of the Muslim population were tillers, labourers and artisans - classes which were an excellent target of exploitation by the richer sections of the society.[39] Agrarian discontent and paucity of employment opportunities were thus the motivating force for the Muslim masses to agitate against the Dogra regime in the State. The process of presentation of demands and their half-hearted consideration by the government continued for some years, but without any tangible results coming out of it. It was in 1930 that a new organisation called the Reading Room Party was formed by a few Muslim graduates for discussing the problems of Muslim masses.[40] Meanwhile Sheikh Mohammed Abdullah, with post-graduate degree in Chemistry from Muslim University, Aligarh, and who was appointed as a teacher,[41] left his job after a few months and in collaboration with his friends founded the All Jammu and Kashmir Muslim Conference of which he himself became President.[42]

The party leadership demanded the establishment of a full responsible government in the State. The Maharaja, however, could not make any headway towards grant of responsible government to the people of the State. The political and economic situation was deteriorating fast and it was not, therefore, difficult for Sheikh Mohammad Abdullah and his small band of devoted workers to launch a mass movement against the Maharaja's autocratic rule. This was met with force - wholesale arrests, firing by the police and military and levy of punitive fines. But ultimately he had to yield and set up a legislative assembly with very limited legislative and executive powers.[43] This did not satisfy the leaders. Because of Sheikh Abdullah's nationalist outlook, his desire to fight for the entire state's freedom and people's fundamental right and to get the cooperation of all the progressive forces in the state, the Muslim Conference was converted into National Conference in 1939.[44] The National Conference adopted a programme of building up New Kashmir in 1944.[45] Sheikh declared that the future and independence of India inextricably linked with the future and independence of J&K State.

The struggle entered into a crucial stage when the famous Quit Kashmir Movement for the transfer of power to the people was launched by the All J&K National Conference in May, 1946.[46] The state bureaucracy was bewildered at this

new slogan and full of vengeance decided to crush the movement. In spite of reign of terror, arrest, prosecution and deaths, the movementwas on the verge of success when the British rulers decided to partition British India by dividing Indian subcontinent into the new dominions India and Pakistan in August 1947, and making all Princely states independent and advising the princes to accede to one or the other of the new dominions, keeping in view the considerations of geographical contiguity. For most of the British Indian States, there was no question of option, their geographical position, economic needs and historical and cultural affiliations made their decision a foregone conclusion. Some of the states, which thought of going against these fordes, were soon compelled by their people to make the correct choice.

The choice before J&K State was a difficult one because partition of India made Kashmir state geographically contiguous to both Bharat and Pakistan, besides Tibet, Sinking, USSR and Afghanistan. Moreover, the state was a Muslim majority state with a Hindu ruler inclined towards India. A majority of the inhabitants of the State was Muslim by religion. Pakistan ruler thought that state must accede to Pakistan. The Maharaja, therefore, could not decide the question of accession to either of the dominions rather entered into [illegible] standstill agreement with Pakistan

to get more time. Indian government however refused to enter the agreement unless it was approved by the people of the state first. Mr. Jinnah was in a dilemma and believed as the National Conference leadership was openly against his doctrine of two nations theory and looking more towards India, the people of the state would not accede to Pakistan. Pakistan authorities then used all sorts of tactics including communal incitement and infiltration of armed personnel to force the State accession to Pakistan but failed. Mr. Jinnah then became impatient and lost his balance as a result a massive attack in form of tribal invasion on defencelews Kashmir was launched on 25th October, 1947 to force its outright annexation. Mean-while the Working Committee of the National Conference decided that the futur e of the State lay with India, approached the Government of India for help and whole-heartedly supported the accession of the state by the Maharaja to the Indian Union. The Maharaja was thus forced to accede India on 26th October, 1947.

On October 27, 1947, the Maharaja had appointed the popular leader of the state Sheikh Mohammad Abdullah of the National Conference, Chief Emergency Officer. On 5th October, 1948 a regular government headed by Sheikh Mohammad Abdullah was formed. Article 370 of the Indian Constitution, however, conferred a special status on the State of Jammu and Kashmir and it was thus the only state of the Indian Union which got the right to frame its own Constitution.

When the cease-fire which was brought about with the good offices of the United Nations in 1949, Pakistan refused to honour international agreement to vacate its aggression, the people of the State set-up on 31st October, 1951, Seventy-five members Constituent Assembly elected on the basis of universal adult franchise. The Consembly of Kashmir not only abolished the insitution of monarchy, ratified the accession of the state with India but adopted unanimously the new Constitution for the state in November, 1956. The Constitution comprised 158 sections and five schedules. Sections 1,2,3,4,5,6,7,8 and 158 pertaining to the title of the Constitution, definition, relationship of the State with the Union of India, territory of the State, extent of the executive and legislative powers of the state, definition of permanent residents, came into force on the 17th, November, 1956 and remaining sections on the 26th of January, 1957.

...

References

1. Bamzai, P. N. K : Jammu And Kashmir
Publication Division Ministry of Information And Broadcasting Govt. of India. New Delhi P. 9

2. Kaul, Seema : Regional And Religious Dimensions of Jammu And Kashmir politics since 1947 – Ph. D. thesis. University of Delhi, Delhi 1992 P–1

3 Ibid P–2.

4. Ibid.

~~5. Wilson, H. H : The Hindu History of Kashmir~~
~~Susil~~ Susil Gupta ~~(India)~~

5. Ibid. P–3.

6. Bamzai, P. N. K : Jammu And Kashmir
op. cit. P–10

7. Jammu And Kashmir Administration Report Samvat 2010 (13th April 1953 – 12 April 1954) Jammu. P–3.

8. Seema, Kaul : Regional And Religious Dimensions of Jammu And Kashmir op. cit.

9. Ibid.

10 Ibid.

11. Bamzai, P.N.K: Jammu And Kashmir
op-cit. p. 10

12. Ibid.

13 Ibid.

14. Administration Report of Jammu & Kashmir
1st. April 1955 to 31st March 1956 pp-3-4.

15. Ibid

16 Bamzai, P.N.K: Jammu And Kashmir
op-cit. P.P 3-4.

17. Administration Report of Jammu & Kashmir
Samvit 2010 (i.e 13th April 1953 to 12 April 1954)
PP-3-4.

18 Ibid.

19. Bamzai, P.N.K. Jammu & Kashmir
op-cit. P-10.

20. Ibid P-11

21, Keenan, Brigid: Travels in Kashmir: popular History of ~~Inch~~ Its people, Places and crafts
Oxford University press
London 1989.

22 Ibid.

23. Bamzai, P.N.K: Jammu And Kashmir
op. cit. P. 11

24. Administration Report of Jammu & Kashmir
For The year 1959 - 1960 J&K Govt,
Jammu. PP-(iii)-(iv)

25. Bamzai, P.N.K. *This is Kashmir*

op. cit P-11

26. Kaul, Seema. *Regional And Religious Dimensions of Jammu & Kashmir Since 1947*

op. cit. P 13

27. Daunju, D.S.M ~~Bamzai, P.N.K~~: *This is Kashmir*

op. cit. P-11

28 Ibid.

~~27 Ibid~~.

29. Ibid P-12

30. Ibid

31. Ibid

32. Ibid.

33. Ibid.

~~34 Ibid.~~

34. Ibid.

35. Ibid

36. Ibid.

37. Handa, R.L: *History of Freedom Struggle in Princely States*

Central News Agency New Delhi

38. P-248.

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The Socio-Economic and political Conditions of the people in Kashmir ~~in pre-Independence Era~~ Till the middle of 20th century

No 4 Subhey

In the lap of the Himalayas lies the world famous valley of Kashmir surrounded by mountains where the frisking cascades, bubbling springs, sprawling verdant fields and saffron belts have remained unchanged despite invasions of the various dynasties! In order to give a historical countinuity, it is essential to analyse the early socio-economic and political background ~~conditions~~ in which the people of the state lived, the socio-economic conditions of the people of ~~kashmir~~ ancient Kashmir, the Mughal period, Afghan rule, the Sikhs and the Dogra dynastic rulers, the nature of their administrative systems, its impact on the masses in general and peasantry in particular revealed the real causes of the political turmoil in the state which ultimately led to the emergence ~~of various and political~~ social ~~movements~~. of a new awareness, a new awakening political consciousness and the socialistic urges ~~of the~~ among the ~~Socio-politico-economically backward people of Kashmir~~. ~~of its~~ to have a just society among the socio-politico-economically exploited people of Kashmir.

~~to have a just society~~

However, the economic structure in ancient Kashmir was mainly based private property and ownership of wealth.[2] Agriculture was not the only source of production. The people adopted trade, industry and other profession also. With the coming into contact with the commercial centres in India and Central Asia, a rich class of traders grew up.[3] Inspite of all this the landed aristocracy constituted the most influential economic groups during this period. The rulers also granted them exclusive right to the ownership of land at their will.[4] [5] As a result a land-owning class emerged threatening the rulers as well as exploiting the ~~people~~ ~~innocent masses~~ poverty sticken masses.

Kashmir was reduced into a province of the great Mughal Empire in 1586. Even the successive Mughal rules did not change the ~~eco~~ deplorable economic conditions of the people and their exploitation and oppression continued.[6] The role of Mughal governors was that of terror, dishonesty and opperation and it was due to local sentiments against them that Afghans took over

Kashmir in 1753 A.D.[6] They also amassed wealth ~~for~~ by exploiting the local population and hence further demoralized them by shattering the local economy. In short, political subjugation under Afghan accompanied by exploitation of resources, economic servitude of the ~~Kashmiris~~ people, social degeration and ruthless administration ~~of~~ in Kashmir[7].

The Sikh, who succeeded Afghan in July 1819[8], levied a large number of taxes and duties besides the land revenue. The commolative effect of the oppressive taxation was the futher impoverishment of the people and consequently large numbers of them ~~fled~~ fled the country.

The Dogra rulers, who had inherited from the Aghans and the Sikhs a crude and primitive administration for over a generation had little time to modernise it. As a result the machinery of govt. remained unorganised arbitrary and mediaeval in first thirty years of their rule. The process of modernisation of the administration however, started from Maharaja Pratap Singh and continued till March 1948, when ~~the~~ for the first time in the history of Kashmir the popular government was established[9]. Inspite of all this the socio-economic conditions of the Kashmiri masses continued to be deplorable even during 100 years of Dogra dynastic rule because of opperation and exploitation of peasantary. For example

(4)

peasantry possessed no land and worked under Tenancy and the landlords could only managed the Jagirs of land, which belonged to the rulers, by law. (x)

In short the basic reasons for the socio-economic backwardness of the Kashmiri masses during Dogra dynastic rule were the feudal character[11] of the state, the institution of the Jagirdari system, the defective system of revenue and Taxation,[12] corrupt administration[12] and the disgraceful system of 'Begar' or forced labour.[13]

(x) The industrial labour in Kashmir, which comprised of Shawl-weavers, labourers, artisans in the silk factory, carpet weavers, wood carvers etc were also the lowest paid wage earners and could not change their profession for bettering their economic conditions, they were, therefore, forced to remain economically and physically miserable.

Sir Abbu Bannerjee, the political and foreign minister who resigned from ministership in March 1929 rightly pointed out of Jammu and Kashmir state is labouring under many

disadvantages, with a large Mohammedan population absolutely illiterate, labouring under poverty and low economic conditions of living in the villages and practically governed like dumb driven cattle...."[14]

all this led to noticeable improvement and structuring of administrative machinery.

However, In the first decade of this century, two degree Colleges—one in Jammu and the other in Srinagar—were established for giving the western type of education as was then prevalent in British India. This was somewhat preceded and accompanied by similar move at the level of primary and secondary education. Within a generation, an educated elite, both in Kashmir valley and Jammu came into existence, asking for jobs and insisting that Kashmir was for Kashmiris, meaning thereby that the official and other government employees brought earlier from British India, particularly the neighbouring Punjab, be sent back and no more outsiders be taken in the state administration.

The demand of the modern and growing educated elite, transcended regional barriers and "Kashmir for Kashmiris" came to be widely understood as the whole state for the sons of its soil as against the outsiders. This gradually led, in the early years of the Maharaja Hari Singh, to the formulation of the law relating to the definition of the state subject.

Another factor, which began to operate a little later and to some extent contemporaneously was the growth of the national movement in British India. It was but natural that the state could not be completely isolated and immunised to the national movement and its manifold repercussions. Some of the young inhabitants from the state went to the Universities in British India for their post-graduate studies in law, science and arts for which there was no provision in the state. There they happened to mix with their young contemporaries and get stimulated by the national feelings and sentiments. The launching of first civil disobedience movement by Mahatma Gandhi in 1921, followed by another in early thirties, and the intermittent *hartals* and *satyagrahs* etc. did not fail to percolate into the students of this state. The growth and role of the press particularly from British India greatly helped in disseminating these news in the state.

Briefly, we may say that although the state's people did not directly participate in the national movement of British India, yet they were largely influenced and the Kashmiri leaders

played a substantive part in the state people's movement which was largely on the same lines as the national movement in British India. This awakened in the state the feeling of local nationalism and acted as a stimulant to the demand for efficient and self-government. The die for transformation was cast by the various factors of modernisation at work.

In accordance with the familiar pattern of the attainment of self-government in the former colonial areas of Asia and Africa, the foreign rule came to be rolled up, as, for instance in India.

The withdrawal of the British power from the sub-continent and transfer of power and the partition of the country created a set of new circumstances and situations which naturally led to the fulfilment of the democratic aspirations of the people. The Indian government accepted the accession of the state to India on the condition that the Maharaja would have to hand over power to a popular government in the State.[237] The doors, came, then, to be opened, gradually though, to the framing of a Constitution by the state's own consembly elected on adult franchise, and to launch the state on the programme of the new Kashmir The factors and forces of modernization have thus culminated in the replacement of autocracy by democracy as an organising and even developing process dedicated to the attainment of socio-economic future for all and the final power of the control of government vesting in the people themselves.

It is in such a developiug perspective, a pattern of modernisation, that an attempt has been made in the preceding pages of this chapter to glance at the growth of political institutions and the transformation from autocracy to democracy.

237. Mahajan, Mehr Chand, *Looking Back*, op. cit., p. 155.

(8)

Reference

1. Bhatt, Sanaullah : Kashmir in Flames
Ali Mohammad And Sons, Lal Chowk
Srinagar, 1981 P-1

2. Faizili, M.A : Socialist Ideas & Movements in Kashmir
Eurek publications New Delhi, 1980 P.12

3. Bamzai, P.N.K. : A History of Kashmir
Metropolitan Book Co. Delhi 1962
P-190

4 Faizili, M.A : Socialist Ideas & Movements in Kashmir ~~Kashmir in Flames~~
op. cit ~~on Chap Ch~~ II P-13

5 Gupta, Renu : Left Movement in India
A case study of Jammu & Kashmir
Ph.D. Thesis, University of Jammu 1990 P-49

6 Lawrence, W.R : The Valley of Kashmir
Kesar publications, Srinagar 1967 P-203

7. Faizili, M.A. Socialist Ideas & Movements in Kashmir
op. cit P. 21

8. Malik, Abdul Hamid : Martyr's Day Economic Background. in studies of Kashmir ~~council of Research~~
Kashmir Council of Research
Srinagar. Special No Volume
Special no-III ~~Nov. 43 + P. 43~~

Socio-po...
Kashmir.

(9)

Nov. 1978, P-53

9\. Bhushan, Vidya : The Evolution of Democratic Institution in Indian Polity
ESS ESS publications New Delhi
1989 P-1

10 Khan, G.H : Freedom Movement in Kashmir
Light & Life publishers Delhi
1980 P-20

11\. Kashmir Govt, Records File no 191/H-75. ~~Ibid~~
Kashmir Government Records J&K State Archives
Jammu.

12 Ibid

13\. Ibid.

14 Saraf, Mohd Yusuf : Kashmir's Fight For Freedom
Ferozsons Ltd Lahore 1977
Vol I P-349.

15\. Mahajan, Mehr Chand : Looking Back
Asian publications House
New Delhi 1963 P-155.

UNIVERSITY OF JAMMU

M.A. Part — II — 1995 Examination

OUTLINE OF THE TEST

Subject / Group — Pol. Sc. —

Paper — A —

Maximum Marks — 80 — Time Allowed 3 Hours

Note :—The relevant portion of the syllabus is enclosed / given as under :-

PSF—4

The politics of

THE EVOLUTION OF -

PRESS, PUBLIC OPININ, FREEDOM OF ASSOCIATION AND FREEDOM OF SPEECH

Dr. Vidya Bhushan,

The value and the necessity of a free press and a flexible body of public opinion making its force felt through the medium of political parties are almost universally recognised in all democractic countries. It isvery necessary for a government to keep in constant contact with its people, more so if the people through their representatives have but a little share in the shaping of the policies pursued by the government. If a Government is not run by the people, it has more need to take care that it is for the people and nothing can be more helpful to government seeking to achieve this ideal than to prevalance of conditions which enable the public to speak its mind.

The Press

After 1857 many nespapers and periodicals came into existance throughout the country. But the Jammu and Kashmir was the only state in India which did not allow the publication of any newspaper or journal. The Maharaja considered any such activity as seditious and as such all applications for grant of permission were rejected. Thus, no standard paper came into existence as a back as 1934.[1]

Reader, P.G. Deptt. of Political Science, Univesity of Jammu. A paper submitted on 45th Annual Conference of the Indian Association of Political Science Held at M.U. Aligarh in Dece. 1987.

The first weekly in the state entitled Bidya Bilas, however, started from Jammu in the year 1867.[2] Ladakh 'Phonya' in Budhi language, was the first newspaper printed and published from Ladakh. It was started by Rev. J.E. Peter of the Moravian Mission in 1903.[3] But its publication was banned by Maharaja Partap Singh in 1908.[4] as the publisher had not obtained proper permission to start a paper. Thereupon, Rev. Peter applied for permission which was granted as a special case. But it was made binding on the Mission not to deal with political affairs or with matters affecting the policy of the State.

Sir Albion Benerji, who held the portfolio of the foreign and political Ministry of Jammu and Kashmir state for two years and then resigned in early 1929 because of unsympathetic attitude of the government, in an interview to the Associated press, soon after his resignation pointed out "that a large Mohammdan population was absolutely illiterate and extremely poor and was governed like dumb driven cattle, that there was no contact between them and the unsympathetic administration, and that there was no public opinion and particularly no press in the state to voice the feeling of the people." Thus, there was hardly any public opinion in the State. So far as press, it was practically non existent with the result that the Government was

not benefitted to the extent it should be by the impact of healthy criticism."[5] Although, the Ranbir an Urdu weekly, claimed to be the first newspaper started in Jammu in June 24,1924,[6] and the annual conference of the representatives, one from each Teshil of the two provinces of Jammu and Kashmir had been instituted by Maharaj Hari Singh in early years of his reign to have a close touch with the masses,[7] yet these were initial attempts to establish a close contact between the masses and administration of the State. There was only one weekly newspaper published from Jammu also before 1932[8] and that too was enforced to discontinue its publication for a considerable time on a charge of publishing malicious and misleading news in connection with the demonstration in the state on the arrest of Mahatama Gandhi by the British Government in 1930.[9]

However, many authorities investigating into the causes of the disturbances of 1931 in Jammu and Kashmir, were led to conclude that the absence of a press as a means of spreading correct news and expressing the sentiments of the people was one of the causes of the trouble.[10] The steps were taken to remove the restrictions, than existed on the freedom of the press and the platform.[11] B.S. Glancy, on the instance of Maharaja Hari Singh, submitted a report as to how and then existing regulations, relating to

establishment of societies and associations, public meetings and press should be modified to bring them into conformity with the corresponding provisions of British India. As a result of his recommendations a press law similar to that prevailing in British India came into force in the state in 1932.[12] This led to a relaxation of the restriction on the press and a number of news papers and Journals were started in the state.[13] In 1942 there were over fifty newspapers and periodical published in the state,[14] and their number than arose to sixty in 1943.[15] Thier number remained the same in 1946. Out of sixty newspaper, periodicals and journals, two were issued daily, one twice a weak, 44 weekly, two every fortnightly, seven monthly and the rest quarterly.[16] Both the dailies were in Urdu and published from Srinagar. Of the weekly two were in English and issued from Srinagar.[17] The rest were published in Urdue.[18] Of these, thirty five were issued from the capital cities of Srinagar and Jammu, the remaining six from Mirpur, Muzarfarbad and Poonch,[19] the two fortnightlies issued from Srinagar were in Urdu,[20] one in Gurmukhi and the rest in English or Urdu or in more than one languages.[21] The actual paid circulation of the newspaper in the state exceeded 700, some probably had a circulation of about 100 only.[22]

The literary standard of most of the papers was generallly poor. Many of the papers seledom discussed larger policies of the Government.[23]

The constructive criticisms used tobe missing. Some papers had even a tendency to accentuate provincialism.[24]

Only state subjects were allowed to print or publish news-papers in the State.[25] All the newspapers published in the state derived their news about the outside world from papers published in the Punjab and other parts of British India.[26] The papers from outside espeically from the Punjab had, consequently a great sale in the state.

Government action sometimes considerably curtailed the liberties of the press. Sometime ~~from~~ very heavy and unreasonable securities had been demanded from publishers of papers. The government was maintaining a white list of papers and only those papers which were included inthat list were favoured with government advertisements. As most of the local papers dependened entirely on government patronage, the power of placing the papers in the white list was, therefore, another hindrance in theway of an impartial press in the state.[27]

PUBLIC OPINION

A healthy, ordered and well organised public opinion is one that avoids, dogma, is tolerant of opinion other than its own, rests on sound common sense and well reasoned instruction in public affairs, and displays a healthy outlook

on life insocial relations, political and moral spheres.[28] The successful formation of healthy public opinion, therefore, not only the product of education but the result of environment of the basic elements in national politics and of certain primary faotors such as social structure and the moral structure of the people themselves.[29] The usual forums through which public opinion, is influenced are the press, the pulpit and the platform. These three P's hold a position in this respect analogous to what the three P's hold in the education of an individual.

As regards, the pulpit, there was declining influence of the priestly class in almost all the communities in the State.[30] However, the influence of the priestly class in Muslim community still continued to the substantial. As regards the platform the influence of outside personalities and the presence of only two well organised political parties was quite sufficient. The education of the electxorate in the state was bound to be on very narrow lines and the usual educational value of discussions of different points of view was lacking.[31] Had there been one deptt. of state publicity xx aiming during to present before the people and the outside public a true picture of the activities of the state in various spheres of nation building activities and reactions of the people, parties, groups and associations, the formation of the public opinion would have been on healthy lines.[32]

FREEDOM OF ASSOCIATION AND SPEECH

However, the Seditious Meeting Regulation of 1914 A.D. and notification 19-I constituted two great limitations on the freedom of association. According to the provisions of the former no public meeting for the furtherance or discussion of subjects likely to cause disturbance or public excitement or for the exhibition or distribution of any written or printed matter relating to any such subject could be held unless written notice of the intention to hold such a meeting had been given to prescribed authorities and their permission had been obtained. The maximum punishment for the violation of that law was imprisonment upto six months or fine or both.[33]

Under Notification 19-6, however, a competent authority appointed by the Maharaja might arrest without warrant any person against whom a reasonable suspicious existed that he had promoted or assisted to promote disatisfaction against the authority of government or had acted or intended to act in a manner prejudicial to the restoration or maintenance of law and order. Under the provisions of that notification a competent authority might if it demand necessary, take possession of moveable or immovable private property, required any person to part with any vehicle or other means of transport regulate traffic over any road in any manner, and even intercept messages in the course of transmission.[34]

The maximum punishment for disobeyimng orders issued by a competent authority under the provisions of thenotification was three year's imprisonment or a fine of Rs.1000/- or flogging upto 30 strips.[35]

Wbile referring to this notification Pt.Jawahar Lal Nehru in his presidential address at the All India State's Peoples Conference (1939) pointed out "that Notification 19-L was monstrous and infamous and tooharsh to repudiate the rejoinder of the Kashmir Govt. to his remarks."[36]

As regarded the liberty of speech, the state Government ahad often prosecuted workers for making speeches in which the government was only asked to make constitutional reforms. Besides, the government sometime brought undue pressure upon Muafidars and Jagirdars and through them on their tenants and servants to desist from all political activities.[37]

Many times government servants had been held that they would be dismissed if they failed to persuade their sons to discontinue political work of every kind.[38]

In short there were more restrictions on the liberty of association and liberty of speech in Jammu and Kashmir state than in British India.[39] The pressure of public opinion was, however, making the government to be more and more tolerant of criticism and the government was, in that respect, certainly much better than the highhanded governments of many of the princely states of India where all political activities were tobooed.[40]

REFERENCES

1. Sharma, B.P. Riyasat Jammu-U-Kashmir Main Akbar Nivizi

2. Ibid.

3. Ibid.

4. Ibid.

5. Bhushan, Indu, Government And Administration in Jammu & Kashmir op.cit.p.26.

6. Saraf, Mulk Raj: Fifty years As A Journalist, Raj Mahal Publishers, Jammu, 1967-p,39.

7. A note on Jammu and Kashmir issued by the J&K Government Jammu 1928, p.10.

8. Sir Ganga Ram's Report on State Administration in J&K, op.cit. p.131.

9. Bhushan, Indu,: Government and Administration in Jammu and Kashmir, op.cit. p.131.

10. Ibid.

11. Modern Jammu & Kashmir State, 1925-43 issued by J&K Govt., 1944, p.5.

12, Bhushan, Indu,: Government And Administration of Jammu and Kashmir State; Op.cit, p. 131.

13. Ibid.

14. Modern Jammu and Kashmir State 1925-42 Issued by J&K Govt 1942, p.32.

15. Modern Jammu and Kashmir State 1925-43, Op.cit. p.5.

16. Sir Ganga Ram's Report on the Jammu and Kashmir Administration, op.cit. p.378.

17. Ibid.

18. Ibid.,p.379

19. Ibid.

20. Ibid.

21. Ibid.

22. Ibid.

23. Ibid.

24. Ibid.

25. Ibid.

26. Bhushan, Indu,: Government And Administration in Jammu and Kashmir,op.cit,p.132.

27. Ibid.

28. Sir Ganga Ram's Report on the Administration of Jammu & Kashmir, op.cit. p.381.

29. Ibid.

30. Ibid.

31. Ibid.

32. Ibid.

33. ~~Ibid.~~ Bhushan,Indu, Government and Administration of Jammu & Kashmir,op.cit.p.133.

34. Ibid.

35. Ibid.

36. Ibid.

37. Ibid.

38. Ibid.

39. Ibid.

40. Ibid.

(2) Sindhi

GEO-POLITICAL OVERVIEW OF JAMMU AND KASHMIR

In the lap of the Himalyas lies the world famous valley of Kashmir, surrounded by its magestic mountains, where the gleaming glaciers, frisking cascades, murmmring streams, bubbling and sparkling springs, placid rivers, large lakes, voluptuous valleys, gorgeous gardens, sprawling verdant fields and saffrom belts have remained unchanged despite the invasions of Moghuls, Afghans, Pathans, Sikhs and others.[1] This part of the Country, Jammu and Kashmir State, which is generally known as Kashmir State, covers an area of 2,22,800 Sq. Kilometers (84,471 Sq. miles) and is situated in the extreme north between Latitute 32°.15' and 37°,5 North and Longitude 72°,35' and 80°.20' East.[2] Kashmir's contribution to India's age-old art, literature and culture is rich as well as unique. As the meeting place of three great religions, it has always been the shining symbol of the nation's tolerant spirit.[3] To appreciate fully its geo-political importance, one must look at a map of Asia. On the north, it is bounded by Chinese and Russian Turkistan known respectively as sinking (Sinkiang) and Soviet Central Asia in modern history; on the east by Chinese Tibet, on the South by the Punjab, and on the west by the North-Western Frontier Provinces of Pakistan.[4] The physiography of Kashmir in relation to peninsula of India is economically most important, in as much as the great reservoirs, from which is drawn the water that fertilizes

the vast plains of the land of the five rivers, are contained herein. Here are born infant streams which fact the Indus, the Jhelum, the Chenab, the Ravi and to great extent the Sutlej also.[5]

1.1. Natural Division:

The natural or geographical divisionsof the State ~~first~~ were first classified in Drew's "The Jammu and Kashmir Territories."[6] and were subsequently adopted for ? census purposes in 1911 by Md. Matin-uz-Zaman Khan.[7] The natural divisions of the State according to this classification[8] are:

(i) The Sub-montane and Semi-mountainous Tract;

(ii) The Outer-Hills;

(iii) The Jhelum Valley Division; and

(iv) The Tibetan and Semi-Tibetan Tract.

1.1.1.The Sub-montane And Semi-mountainous Tract:

(Area in 2606 sq. miles[9]).

The tract runs all along the line of the districts of Gurdaspur, Sialkote, Gujrat and Jhelum of the Punjab. The district of Jammu forms a part of it. Besides the two large streams of Ujh and Tawi, three rivers, the Ravi, The Chenab and the Jhelum water this Tract. Its northern parts consist chiefly of foothills known as the "Kandi Illaqa" or the parched areas.

The Jammu district embraces the largest slice of this region and next to it in area is Mirpur. Jammu, the winter capital of the state, stands on the spur of

xxhixxxoxxrlookingxthexpicturesquexsmallxofxthisxregion
anHill overlooking the picturesque small Tawi river. The Jammu city is about 300 metres high from the sea level.and its prominent features are its temples with pointed spires, and the imposing Secretariat building. Basohli, Ramkot, Ramnagar and Samba to the east of the Chenab and Akhnur, Bhimber and Mirpur to its West are several other important towns of this region. This region is also rich in minerals.[10]

The lower portions of this Tract (through which the rivers Ravi, Chenab and Jhelum flow) bear similarity to the adjoining plains of the Punjab and grow the same corps and are irrigated by natural aqueducts as well as by canals.[11]

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The higher portions of this Tract, however, parta-ke of the stony and sandy character of the hill soil and cultivation is meagre and uncertain, mostly depending upon timely rainfall.[12]

1.1.2. Outer Hills:

(Area is 9,795 sq.miles[13]).

This comprises the whole are of lowlying hills called Sewalik or Sea-Lakh) to the south of the Pir Panjal range of mountains which divides the Jammu and Kashmir Provinces. The Chenab river, with its numerous feeder streams, flows through this area until it emerges into the plains at Akhnoor. A large part of this area lies at an altitude of between 2,000 and 4,000 ft.[14] Except in the fertile valleys, cultivable land is scarce and scattered. Much of the mineral wealth of the State is buried in this division.[15] It comprises the valleys of Bhadrawah, Kishtwar

nearly 10,400 sq. Km.[22] Srinagar, "The venice of the East," Gulmarg and Pehalgham, the Dal Lake "one of the prettiest sheets of water,"[23] and the Wular lake, "a carpet of gold under the Purple mountains,"[24] are located in this division. It is enclosed by the mountains which infinitely varied in the form and colour.[25] To the north is a veritable sea of mountains dominated by the mighty Nanga Parbat (7,980 meters).[26] To the east stands Haramukh (5,150 meters).[27] Further South is Mahadeo and the lofty rages of Gwasha Brari (5,425 meters) and the pak of Amarnath (5,280 metres[28]). On the South-West is the Janjal range with peaks of 4,500 metres.[29] Moreover, where the mountains cease to be steep, fanlike projections with flat arid tops and bare of trees run out to the valley.[30]

1.1.4. The Tibetan and Semi-Tibetan Tract:

(Area is 63,554 sq.miles[31]).

It is the largest but most sparsely populated division. It forms the Central portion of the valley of the great Indus river which, taking its source at the Mansarowar lake in Tibet, traverses the whole frontier province of xhexSx this state.[32]

Ladakh, the land of the Lamas, Baltistan and Dardistan are situated in this region.[33] The elevation of Ladakh district varies from 2,400 to 4,500 meters.[34] The climate of the region is rigorous. The main cultivation is the valleys where xxxxx the land is fertile and irri-

gatéon is easy. Crops such as barley, wheat, buck wheat, peas, grim, rapesced, beans and turnips are grown. Apples and aspricotts flourish is some parts of the region.[35]

The Indus valley, known as Baltistan covers an area of 16,892 sq. km.[36] With very high mountains and a very little cultivable land, the population is sparse. However, fruits are sweet and plentiful in some areas.[37] The snow-fall is very heavy and the winter extrdmely cold. Dardi-stan extends in the north to the Karakoram and besides Gilgit comprises Hunza, Nagar and the small principalities of Chilas, Yasin, Punial, Ghilzar, Ishkoman and Koh.[38]

Enclosed by Karakoram on the north and the central range of the Himalayas on the south, this division is the largest, But on account of its high altitude and highly mountainous and barren character it is sparsely populated.[39]

1.2. Strategic Location:

A cursory glance on the map of Asia will show that Kashmir is not merely a geographical expression in the north-west of the vast Sub-continent of India, famed for its beauty and natural wealth, but being occupying Central position in Asia, it commands a strategic as well as political importance and is a connecting link for many great empires. On the southern side of it is the East Punjab (Indian Repuglic) and the West Punjab (Pakistan); on the western side of it, is the North-West Province(Pakistan)

and Afghanistan; on the northern side of it is the high tablelands of Pamir, including the Russian Turkistan and Chinese Turkistan (Sinkiang); and on the eastern side of it stands the tableland of Chinese occupied Tibet.[40] Its borders touching, as they do, the territories of Russia, China, India, Pakistan, Tibet and Afghanistan, have an international significance.

Being a play-ground of Asia, Kashmir had been the victim of foreign invasion and intrigues for centuries. The people had been mercilessly exploited by their feudal and imperialist matters.[41]

It occupied a strategic position from military stand point and that of foreign affairs. "Planes based on the soil of Kashmir can be used for bombing any area in Asia."[42] "Nations interested in 'Big Powers' struggle can see Kashmir primarily as the pivotal centre of military strategy in this part of the world."[43] That is why it had been a constant source of irritation between Dogra Rulers and the Government of India before 1947 and India and Pakistan since 1947. It has become a pawn in the game of international politics. Thus for instance it has given rise to the fast developing collaboration of Pakistan and China, on the one hand, and the Pak collaboration in the global plans of American policy and military strategy on the other.

1.3. Climate:

The Climatic scene in Kashmir is as bewitching as its physical landscape. The climate varies from the arctic Cold of the Ladakh district to tropical heat of the sub-montane and Semi-mountainous tracts of Jammu. Lawrence rightly points out:[44]

> Every hundred feet of elevation brings some new phase of climate and the vegetation, and in a short ride of thirty miles one can pass from overpowering heat to climate delightfully cool ...

The Jammu province, being for the most part contiguous with plain of the Indus, experiences the tropical heat of the Punjab and shares with it periodical rainfalls.[45] The Central mountains are a conspicuous climatic zone. The altitude of the valleys and mountains determies their cooness. The monsoon winds give rainfall from July to September. The Upper Chenab Valley, in Kishtwar region, has long cold winters and brief summers.[46] But the Pine-clad areas of Kishatwar and Bhaderwah have a bracing temperate climate.[47] However, December and January are the coldest months of the year in Jammu plains when the minimum temperature generally ranges between 6°C and 9°C, and June is the hottest when maximum temperature rises upto 42.5°C.[48]

The Vale of Kashmir, being surrounded by lofty mountains, has a peculiar climate of its own. The Valley enjoys a temperate climate in summer but winter is severe ~~and lasts into six different seasons~~ and lasts uptoM March. The Kashmiri climatologists divide the year into six different seasons. "They name the spring as Sont, summer as Retakot; rainy season as Waharat; winter as Wandah; frosty season as Shishur; autumn as Harud."[49]

Unlike Jammu province, it does not experience heavy rainfall during summer season but receives snowfall of about 8-10 ft. during winter.[50]

The Valley experiences severe winter during November, December, January and February when temperature ranges between $15^{\circ}C$ and minus $3^{\circ}C$, and sometimes it may even go below minus $10^{\circ}C$ in December-January. Moderate summer is experienced during June, July and August. Maximum temperature does not generally rise above $30^{\circ}C$.[51]

To the extreme north of the valley lies the great central Range including Ladakh, Baltistan and Gilgit. This region is an extension of the Tibetan plateau. It has warm summers, very cold winters and scanty rainfall. The region receives rainfall upto about 4 inches a year.[52] "The severity of cold is almost that of Canadian Shield, Siberian Waste and Patagonian Desert."[53] The region is also known for excessive dryness and extreme barrenness.[54]

The temperature ranges between 25°C in July and -16°C at Leh and -40°C at Brass in Junary.[55]

Jammu and Kashmir State is the home of various races and sects, whose history goes back thousands of years, and hence its ethnic composition os complex.

The Jammu province embraces the hilly tract extending down to the plains of Panjab from the snowy range of the mountains bounding Kashmir on the south. The area is more than double of Kashmir province Viz. 12,165 sq.miles.[56] Ethnically Jammu has three divisions.[57]

(i) Dugar;
(ii) Chibhal; and
(iii) Pahar.

In olden times, the area situated between Do-garths or two lakes, namely Mansar and Saruinsar was called Dogarth. In course of time, it has been shortened into Dugar. Now roughly speaking the whole tract between Chenab and Ravi from the South of Karahi Dhar hills.[58] to the Pakistan border is called Dugar. It is the home of the Dogras, a hardy people divided into several castes and sects, both Hindu and Musalman, belonging to the same race.[59] They speak Dogri language, a mixture of Sanskrit, Punjabi and Persian words, deriving its origin from the Indo-Aryan branch of Sanskrit.[60] Muslims are mostly the converts from Hinduism and their caste-system is also on the lines of Hindus. Both observe common festivals like Basant, Nauroj, Sair and Dusserah. It testified to an

an extra-ordinary spirit of tolerance and goodwill amongst both the Hindu and Muslim Dogras. It also bespeaks most of the close affinity among the two religiouists who have a common past and belong to the same race.[61] There are numerous sub-castes among the Dogra population of Jammu.[62]

The western part of the Outer hills lying between the Chenab and the Jhelum rivers is called Chibhal.[63] The Chibhalis have embraced Islam and that part has now become an out-and-out Mohammedan area. There are some subdivisions of the Hindu Rajputs as Chib, Jaral, Pall[64] etc. In the eastern part of the Chibhal and Mohammedan Thakars.[65] In the western part there are many races, whose origin cannot be easily discovered. One of the important and high castes is called Sudan. It prevails in the part between Poonch and the Jhelum.[66] The Chibhalis resemble the Dogras,[67] and speak Chibhali language.[68]

The rest of province to the north is called hilly tracts or Pahar, and is inhabited by a virile and active people called the Paharis.[69] Hardy and of powerful frame, they lead a rough life, eking out a sustenance by terrace cultivation of the slopes of barren hills. The language they speak is a mixture of Hiddi, Punjabi, Dogari and Sanskrit words.[70] Into this region have come some people from the Kashmir Valley as settlers inhabiting large tracts of this region and speak a mixture of the Pahari and Kashmiri languages.[71]

Another interesting hill people are the Gujjars. Rearing cattle and sheep from the ancient times, the Gujjars and their neighbours, the Gaddis are stock breeders. They lead semi-nomadic lives. They are said to be Rajputs who migrated from Rajasthan and adopted the Muslim faith. They are a fine tall race, with decidedly Jewish cast of features. They are well represented in most parts of J &K specially Poonch, Reasi and Muzzaffarabad.[72].

The people of Kashmir Valley are physically a fine race. The men are tall and well-built. They are an ancient race with complexions varying from Olive to a ruddy and fair hue. They being lively and intelligent and are full of fun and fond of amusement. The overwhelming majority of the people profess Muslim religion, which was first introduced in the thirteenth century and established its hold in the 18th century. Almost whole of the Musllim community is converted from Hinduism or Buddhism.[73] The Muslim population is divided into the Sunni and the Shia sects. But the former are in a prepondering majority.[74] The Brahmins, popularly called Kashmiri Pandits, form a distinct class of their own and are considered to be the purest specimens of the ancient Aryan settlers in the Valley. During numerous political vicissitudes they, however, suffered at the hands of religious perspcutors.[75]

There were some Pathans and Moghuls in certain parts of the valley but now they have been absorbed in the general population.[76] The application of Khan and Sardar is only in name and not in character.

The Bombas and Khakas are the inhabitants of the Jhelum valley below Baramullah.[77] Chaupans, the hereditary shephereds are a class of Cheery and active melt.[78] Hanjis or boatmen are an ancient, strong and virile race with well-developed muscles.[79]

To the north of the valley is the region called Dardistan. It is inhabited by broad-shouldered, moderately stout, well-proportioned and active mountaineers called Durds who are Muslims.[80]

The region to the north-east of the valley is called Baltistan and is inhabited by the people of Tibetan race called Baltis.[81] They are a little taller than the Ladakhis. Though the prepondering majority of the population professes the Muslim faith of the Shia sect, yet there are some villages professing the Bud hist faith.[82]

Further, to the east is the magic land of Ladakh or 'Little Tibet'.[83] Its people are a mixture of Mangolian and the Aryan races. The Ladakhis are cheerful, wilful, and not quarrelsome unless under narcotics like "Chang". Simplicity and clumsiness are in a measure their chief characteristics.[84] Aryans who originally settled here were Buddhists from Kashmir and the Dards of Gilgit. The Mangolian stock is traced to Tibet. Being shepherds and nomads they came to the plain of Ladakh to graze their flocks. The fusion of these two races, thus has produced the modern Ladakhis. They are Buddhists and the followers of the Dalai Lama of Tibet.[85]

The cease-fire line, after Pakistani invasion of Kashmir in 1947, left 31,251 sq.moles[86] on the Pakistan side. This includes some area of Baramulla, and Muzzaffarabad of Kashmir province, Mirpur of Jammu province of Poonch Jagir and of Frontier districts.[87] In other words, these were the predominantly Muslim populated areas.[88] If the whole State had remained intact after the invasion, the political situation of the State might have been different.

The Praja Parishad Agitation for complete integration of the State of with Indian Union, like other 'B' class States, could not be in that form. A strong Hindu-organisation like Praja Parishad came into being because of the fact that Jammu province did not remain a Muslim majority area after 1947. This is borne out from the fact that movement could not penetrate into Doda and other belts with Muslim majority population.

The Muslims of the areas adjoining Pakistan, especially, those of Mirpur and Poonch, having their links with their brethern in Punjab, would have preferred to align themselves with those who wanted to create a Pakistan. They might have thrown their weight for the State's accession with Pakistan, though at one stage, the Muslim Conference supported the Maharaja's move to remain independent of both the dominions.[89]

In fact, it appears that the Maharaja's own idea of carving an independent State for himself was motivated in view of Muslim majority in his State.

1.5. **Population:**

The first attempt to take a census in J&K State was made in 1873. The results got from this complete enumeration were little better than estimates. In 1891 regular census

operation was carried out synchronously with the rest of the country but xxx census of 1891 did not cover Gilgit agency. Similarly in 1901, the second regular census was taken. The results of both 1891 and 1901 census left much to be desired. The census taken in 1911 to 1941 were conducted in strict conformity with principles of instructions emanating from Government of India. There was however, no census in 1951. The census was however xxxxx conducted, in 1961, 1971 and, 1981 quite in conformity with the All-India pattern.

In terms of population the State ranks 16th among the States.[90] According to the Census of 1971,[91] the population of the State is 4,616,632.[92] But according to the census of 1981 the population of the State is 5,987,389.[93]

Table 1.1. POPULATION OF JAMMU AND KASHMIR

Region	District	Population	Percentage
Jammu	Doda	425,262	7.13
	Udhampur	453,636	7.60
	Jammu	943,395	15.60
	Kathua	369,123	6.13
	Rajouri	302,500	5.02
	Poonch	224,197	3.74
	Total :	2718,113	45.22
Kashmir	Anantnag	656,351	11.00
	Baramulla	670,142	11.24
	Badgam	367,262	5.92
	Pulwama	404,078	6.79
	Kupwara	328,743	5.50
	Srinagar	708,328	12.11
	Total :	3134,904	52.56

Region	District	Population	Percentage
Ladakh	Kargil	65,992	1.14
	Lehh	68,380	1.08
	Total :	134,372	2.22

The census could not, however, be held in the State due to rise of militancy and political uncertainity. The growth rate between 1971 and 1981 has been recorded as 29 percent, higher to that of the national average of 25 perdent during the same decade.[94] The Table-I above shows the region and district-wise population as per 1981 census.[95]

1.6. Main Occupation:

Agriculture is the mainstay of the State's economy. The bulk of the State population (about 82 percent[96]) lives in rural areas and derives its livelihood directly or indirectly from agriculture. Due to extreme pressure of population on land, per capita availability of cultivated land in the State is 0.42 acre.[97] Average holding size according to the State Census of Agriculture, 1970-71 is 2.30 acres for the State as a whole, 3.88 acres in Ladakh, 3.11 acres in Jammu region and the lowest 1.70 acres in Kashmir region.[98]

Since Land Reforms are an essential pre-requisite for achieving a break-through in agriculture, the State of J & K has the pride of place as the fore-runner in initiating the land reform in the State. Just after winning independence Jagirs and Muafis and Mukararies were abolished in 1948.[99] With the abolition of Jagirs and Muafis, about 4250 acres of land transferred to the cultivators of land.[100]

Tenancy (Amendment) Act, VII of S.2008(1948) provided Protected Tenancy Rights to the tenants-at-will possessing 17 kanals Abi(irrigated) or 33 kanals Khushki (un-irrigated) in the Kashmir Province including the district of Ladakh and Gilgit and 33 kanals Abi(irrigated) or 65 Kanals Khushki (un-irrigated) in Jammu Province.[101]

A very bold step was taken in 1950 when the Big Landed Estate Abolition Act was enacted. As a result of this Act about 9000 odd landowners were expropriated from 4.5 lakh acres of land held in excess of the ceiling of 22.75 acres and out of this 2.3 lakh acres of land was transferred in ownership rights to cultivating peasants free of any encumbrances.[102]

Amendments to the above Act passed after 1950 gave more land and more rights to the tenants and more restrictions were put on ejectments and resumptions of land for personal use.

In order to "examine the anomalies, inconsistencies, inequities and gaps in the existing landlords with special reference to the provisions pertaining to the security of tenures, resumptions for personal cultivation, ejectments and voluntary surrenderes and alienations", a land Commission was constituted in 1963.[103] On the basis of the recommendations made by the land Commission, Agrarians Reform Bill, 1972 was drawn up to provide comprehensive legislation with respect to land reforms. Under the law absentee-landlordism was ended and a ceiling on land was fixed at 12.5 standard acts.[104]

But with the incoming of new State Government under the leadership of Sheikh Mohammad Abdullah, the implementation of this Act was suspended.

A comprehensive legislation on land reform was introduced in the Legislative Assembly to replace the Agrarian Reform Act, 1972.

This Act which recently has been passed by the State Assembly, but implementation of which in the State is still pending, proposes to abolish landlordism in the State. According to this Act, absentee-landlordism would come to an end. The Act fixes a ceiling of 12.5 standard acres, with an increase varying from 10 per cent to 20 per cent for various categories of land under orchards, subject to a condition that in no case shall the ceiling area exceed 25 acres.[105] Any excess land with the tiller-owner shall vest in the State and will be allotted to the landless and small and marginal farmers.

To quote the Governor of the State, Mr. L.K. Jha, "The enforcement of the Agrarian Reforms Act will bring to an end, in coming few weeks, the age-old system of intermediatary between the tiller of the soil and the State itself. It will enable him to acquire proprietorship over the land which he tills with the sweat of his brow.[106]

1.7. Religion

Culturally, Jammu and Kashmir is a State of convergence and diffusion of three main religio-cultural streams, Hindu, Buddhist and Muslim. Jammu is mainly Hindu, Ladakh is Buddhist

and Kashmir a repository of varied influences and functioning throughout history as the nerve centre of the State's Muslim. However, no part of the State is exclusively Hindu, Buddhist or Muslim which fact enables the State to present a picture of multi-religious and multi-racial society linked by a common destiny and living harmoniously.[107]

The Principal religions in the State are Islam, Hinduism, Sikhism, Christianity, Buddhism, Jainism.[108] The religion-wise population of the State in 1971[109] and 1981[110] is as given in Table II.

Table : 1.2.

RELIGION POPULATION OF THE STATE IN 1971 AND 1981

S.No.	Religion	1971	1981	Percentage
1.	Muslim	30,040,129	3843,451	65.85
2.	Hindus	1, 404,292	1930,488	30.42
3.	Sikh	105,873	133,675	2.29
4.	Buddhist	57,956	69,706	1.26
5.	Others	8,382[111]	10,101	0.18

1.8. **Language:**

In spite of the fact that the three dominant languages are spoken in the three regions of the State, Ladakhi, Kashmiri and Dogri, yet the State's cultural set-up represents synthesis of the predominantly Tibeto-Himalayan And Aryan Streams with off-shoots representing local dialects.[112]

"Out of the 147 mother tongues spoken in this State, only 19 mother tongues fall outside the Indian origin."[113]

Table: 1.3:

Mother tongue-wise Population of Most Numerous Groups:

Group	Mother Tongue	Population in 1971
Dard	(Indo-European Family)	
	1. Kashmiri	2,406,272
	2. Siraji	29,246
	3. Kishatwari	12,163
	4. Shina	9,901.
The Central Group		
	1. Dogri	1,139,259
	2. Gojri	330,485
	3. Punjabi	158,418
	4. Hindi	42,470
	5. Urdu.	12,740
Pahari Group		
	1. Pahari	247,634
	2. Bhaderwahi	40,009
	3. Bharmauri/Gaddi	3,056
	4. Padari	7,762
	5. Gorkhali	2,588
The Bhotia Group	(The Tibeto-Chinese Family).	
	1. Ladakh	56,396
	2. Balti	40,129
	3. Tibetan	3,803
	4. Budhi	3,427

All other groups have a very small number of speakers.

1.9. Distinct Regional Political Personalities And Regional Identity:

The transfer of political power from the Jammu based Dogra rule to the Kashmir based leadership a way back in 1947 not only gave Kashmir region a dominant position in the politics of the State but also created and divergent trends in each of the three main regions of the State — Jammu, Kabshmir and Ladakh.[114] It has also sharpened the distentive regional identities which further separated each of these regions from one and other.

1.9. Jammu

During struggle for freedom from the Dogra dynastic rule in Kashmir in pre-independence era, the Dograqs of Jammu particularly non-Muslim identified themselves with the Hindu ruler, Maharaja Hari Singh. They considered him to be symbol of their security against the chauvinstic politics of the majority community.[115] But in post independence era, when monarchy was abolished, they took toward the India for protection of their interests and social security against the aggressive trends of Kashmir Nationalism. They, therefore, formed a political party - the All J&K Praja Parishad of their own, the party not only first sought it retain the Dogra Maharaja as a Constitutional head of the State and when failed favoured Kashmir's full accession with Indian Union.[116] Its slogan for the obrogation of Art. 370 of the Constitution of India as well as its demand for the complete merger of the State in the Indian Union alarmed not only the autonomists but also the secessionst forces in the State. The liberal, and secular and the progressive forces in the State also

opposed its policies simply because of its closest association with RSS, and other communal organisations like Hindu Mahasabha, Ram Raj Parishid, etc. and its final merger with Jana Sangh. Moreover, the Chauvnistic attitude of Kashmiri Nationalists led to the emergence of the regional autonomist forces in Jammu regionx demand not only the preservation of Jammu identity but also granting its people a fair share in socio-politico-Economic development of the State.[117]

1.9.2. Kashmir

The Kashmiri's fight for freedom against Dogra Monarchy and its vicissitudes can broadly be interpreted in terms of the urge of Kashmiri nationalists to seek avenues of self-awareness, self-expression, self assertion, self-determination and Kashmiri identity through varying manifestation and rational-isation.[118] Moreover linguistic and cultural homogenity, historical contrinuity and geographical compactness have two sharepened the its regional identity. As the ruler was a Dogra Hindu, a non-Kashmiri and non-Muslim, the demand for responsible government first and of democracy afterward satisfied and rationalised regional and religious urges of the Kashmiri masses.[119] The All J&K National Conference not only invited non-Muslims to support for its democratic movement in Kashmir, protection of political rights of the Kashmiris and successfully fought for the establishment of democratic government in the state,

but also succeeded in abolishing mon rchy and landlordism. As a result most of the people of Jammu looked upon the party as a manifestation of militant Kashmiri nationalism.[120]

However, the Kashmiri leadership perceived threat to their identity when a Praja Parishad movement for full integration of the State with the Indian Union by scrapping Article 370, which confers a special status to the state under Indian political system w s started in 1952 and was supported by Bhartiya Jana Sangh, Hindu Maha Sabha and Ramraj Parishad.[121]

Inspite of the opposition from Dogra nationalists of Jammu, the tensions and irritations between the centre and the state constitutional relationship continued since 1953 the Kashmiri leaders neither merged Kashmiri identity with Indian nationalism nor with that of Pakistan.[122] In short, the dominant Kashmiri sentiment, with varying phases, has repeatedly been in clash with the integrationist forces inside and outside the State.

1.9.3. Ladakh.

The identity drisis has also been witnessed in the Ladakh. The peace loving and docile Ladakhi Buddhists are raising their voice of discontentment against their discrimination and domination by the Kashmiri leadership. Through their political organisation - the Ladakh Buddhist Association - they are pressing hard not only to safeguard their socio-politico-economic rights but also to preserve their distinctive identity in this sensitive geo-poltical region of the State.[123]

1.10. Trification of the State:

A group of newly emerging political elites in Jammu particularly strongly advocating for the trification of the state and each of its three regions - The Valley, Jammu and Ladakh - be granted internal autonomy.

A similar proposal was also before the active consideration of the Basic Principles Committee of Kashmir-Consembly in 1953.[124] The idea was to grant autonomous status to each of the five different cultural units of the State - The Valley, Jammu, Gilgit, Ladakh and of Mirpur-Rajouri-Poonch-Muzaffarabad.[125] Three out of these i.e., ~~Jammu~~ Kashmir Valley, Jammu and Poonch-Rajouri were to have an Executive Head, a council of ministers responsible to their own regional legislature respectively. Rest of the two i.e., Gilgit and Ladakh should be administered by Regional Council. In short the idea was to create "A Republic with in a Republic."[126]

But this proposal could not be materialised due to the dismissal of first Sheikh Mohammad Abdullah ministry and his subsequent arrest in August 1953. The Integrationist in and outside the State, however, may not be in favour of trification of the State.

Though the proposal might reduce the possibility of domination of one region on the other, regional imbalances, irritations and tensions, yet it may give further impetus to the divisive forces inside and outside the State to exploit the situation.

The critics of trification of the State also point out that we should not forget the fact that geographically, culturally, racially; linguistically and ethnically the state of Jammu and Kashmir like that of India, is not a homogenious unit. Being a multi-lingual, multi-racial, multi-cultural and multi-religious state it comprised of different regions which have not only their distinctive regional and political persomalities of their own but in fact the political and emotional divergence between them have been growing over years. A loose federal structure may, therefore, not desirable in the interest of the unity and integrity of the Country. The past history of India, they plead, is an eye openner for us.[127]

Thus, geographically, culturally, racially, linguistically and ethnically, the State of Jammu and Kashmir is not a homogenious unit. Being a multi-lingual state it is composed of three Principal, socio-cultural, viable and disparate units — Jammu, the Kashmir Valley and Ladakh. These regions have distinct regional and political personalities. In fact, political and emotional divergence, irrigations and tensions, conflict and crisis between regions have been growing over years. Moreover, a strong sense of communal dichotomy, regionalism, an awareness of one's own cultural heritage, historical tradition and a sense of political individuality ~~and~~ also xexist there. To a greater extent all these factors have contributed much not only in sharpening the regional identies of all the three g regions but alsoxx helped in developing, in each of the region, its distinct and aggressive politically entity as well as divergent political aspirations without caring for the interests of people of the other two fegions. As geo-political position of this State is so strategic and delicate, the existing diversities in various policies

aspects not only led to fragmentation and complication the regionalxdiversitiesxwithxthe politices of the State but has also further strengthened the religional diversities with the State.

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REFERENCES

1.i) Butt, Sonaullah, Kashmir In Flames, Ali Mohammad & Sons, Srinagar, 1981, p.1.

2ii) Bamzai, P.N.K., Jammu And Kashmir, Publication Division, Ministry of Information And Broadcasting, Government of India, 1973, p.1.

2. Zutshi, U.N., A Portrait of Population, Jammu & Kashmir Census of India, 1971, p.11.

3. Bamzai, P.N.K. Jammu And Kashmir, op.cit., P - author note at the end of the book.

4. A Handbook of Jammu And Kashmir State, Publicity Department of J&K State Government, 3rd ed, Jammu, 1947, p.1.

5. Imperial Gazetteer of India, The Indian Empire, Vol.1, Oxford, 1947, p.16.

6. Drew, Frederic, Jammoo And Kashmir Territories Edward Stanford, London, 1875, pp.5-6.

7. Census of India, 1911, Vol.XX, Kashmir Part-I, 1912, p.2.

8. Ibid.

9. Census of India, 1931, Vol.XXIV, Jammu And Kashmir State, Part-I - Report, Jammu, 1933, p.3.

10. Bamzai, P.N.K., Jammu And Kashmir, op.cit., p.2.

11. Bhushan, Indu, The Government And Administration in Jammu & Kashmir, Dissertation, Lucknow University, 1942, p.1.

12. Census of India, 1931, op.cit., p.2.

13. Census of India, 1931, Vol.XXIV, Jammu & Kashmir Part-I - Report Jammu, 1933, p.2.

14. Ibid.

15. Ibid., p.2.

16. Bamzai, P.N.K., Jammu And Kashmir, op.cit., p.2.

17. Ibid.

18. Devir, Sir James, The Punjab, North-West Frontiers Province And Kashmir, Cambridge University Press, 1966, p.316.

19. Census of India, 1931, op.cit., p.4.

20. Ibid.

21. Bamzai, P.N.K., Jammu And Kashmir, op.cit., pp.2-3.

22. Ibid.

23. Singh, Gaya Parshad, Pictorial Kashmir, Behari Press, Patna, 1914, p.19.

24. XXXXX O, Corner,
V.C. Scott, The Charm of Kashmir, Longmans, Green London, 1920, p.175.

25. Bamzai, P.N.K., Jammu And Kashmir, op.cit., p.3.

26. Ibid.

27. Ibid.

28. Ibid.

29. Ibid.

30. Ibid.

31. Census of India, 1941, op.cit., p.3.

32. Census of India- 1941, op.cit., p.2.

33. Bamzai, P.N.K., Jammu And Kashmir, op.cit., p.4.

34. Ibid.

35. Ibid.

36. Ibid.,

37. Ibid., p.5.

38. Ibid.

39. Census of India, 1931, op.cit., p.4.

40.(i) A Note on the Jammu And Kashmir, Jammu & Kash. in Government, 1928, p.1.

(ii) Kaul, P.N. and Dhar, K.L, Kashmir Speaks, Luzac & Co. Russel Street, London, 1950, p.2.

(iii) Kashmir - At a Glance, Department of Information, J&K Government, 1961, p.1.

(iv) Administration Report of Jammu & Kashmir State, 1958-59, Jammu and Kashmir Government, 1960, p.1.

(v) Vital Speeches and Documents of the Day, Vol.No.XXII, XXIII & XXIV: No.15, December 1 and 15, 1963, Special Issue, Kashmir, p.773.

41. The Hindustan Times, February 18, 1953.

42. The Free Press Journal, May 28, 1953.

43. Lawrence, W.R., The Valley of Kashmir, Kesar Publication Srinagar, 1967, pp.13-14.

44. Ibid.

45. Ibid.

46. Kashmir-At a Glance, op.cit., p.1.

47. Digest of Statistics 1973-74, Directorate of evaluation and Statistics, Planning and Development Department, Jammu & Kashmir, 1975, p.34.

48. Kashmir Today, Vol.3, May and June 1959, No.5, J&K State Information Department, p.3.

49. Singh, Amarjit, Economic and Social Implication of New Strategy in Jammu and Kashmir with Special reference to R.S. Pura Block, Thesis for Ph.D. 1976 (unpublished), p.56, Jammu University.

50. Digest Statistics, 1973-74, op.cit., p.32.

51. Report of Agriculture Census 1970-71, J&K Agriculture Census Commision, p.11.

52. Kashmir Today, op.cit., p.4.

54. Rahul Ram, The Himalayan Border Land, Vikas Publications, Delhi, 1970, p.22.

55. Hussain, Majid, Geography of Jammu And Kashmir, Rajesh Publication.

56. Koul, Pt.Anand, Geography of Jammu and Kashmir State, Published by the author, 1925, Srinagar, p.150.

57. Census of India(Jammu and Kashmir), 1911, Vol.XX, p.201,

58 Lucknow, 1912, Divides Jammu:

(i) Eastern Plains (Dugar).

(ii) Western Plains (Chabhal).

(iii) Eastern Hills.

(iv) Western Hills.

58. Gazetteer of Kashmir and Ladakh, Vivek Pulbishing House, Delhi, 1974, p. 29. "Karai thar(Dhar) - A range of hills stretching from about opposite Ramkot for 25 or 30 miles north-west. The ridge has a steep face, an escarpment, to the north-east. Near Ramkot its height is 5,000 ft; there is curves found and joins on the higher mountains; in the direction of Dansal 3,500 or 3,000 feet is the coomon height. This range is traversed by the Tawi in a gorge; one of the main roads to Kashmir crosses it near Dansal by a very steep ascent; a few miles north-west of that it dies away. Nowhere is it a simple ridge when one has crossed the main line and descended, other smaller rocky ridges have to be passed.

59. Census of India 1891, Vol.XXVIII, The Jammu & Kashmir, Lahore, 1893, p.4.

60. Vital Speeches and Documents of the Day, op.cit., p.774.

61. Ibid.

62. For details refer "Census of India,1891", op.cit., p.4.

63. Drew, Frederic, Northern Barrier of India, Edward Stenford, 55 ,Chairing Cross,S.W.,London, 1877, p.30.

64. Ibid.

65. Ibid.

66. Ibid.

67. Drew, Frederic, The Jammu and Kashmir Territories, op.cit., p.4.

68. Ibid. "Chibhali is closely allied to Punjabi which is spoken in West of Jhelum, in the country called Pothwar.... The Chibhali dialect differs from Dogri by no means so much as Dogri does from Hindustani, but perhaps in the same degree as it does from Punjabi ..."

69. Koul, Pt. Anand, Geography of Jammu & Kashmir, op.cit, p.150.

70. Keys to Kashmir, A Lalarukh Publications, Srinagar, 1957, p.27.

71. Bamzai, P.N.K., Jammu And Kashmir, op.cit., pp.5-6.

72. Ibid.

73. Census of India, 1931, op.cit., p.297.

74. (i) Lawrence, W.R., The Valley of Kashmir, op.cit. pp.284-85.
(ii) Keys to Kashmir, op.cit., p.33.
(iii) Census of India, 1931, op.cit., p.298.

75. Bamzai, P.N.K., Jammu And Kashmir, op.cit., p.

76. Census of India 1931, op.cit., p.298.

77. Ibid.

78. (i) Ibid.
(ii) Lawrence, Walter R., The Valley of Kashmir, op.cit., p.312.

79. Ibid., p.35.

80. Ibid., p.38.

81. Census of India, 1891, op.cit., p.4.

82. Vital Speeches and the Documents of the Day, op.cit., p.775.

83. Key to Kashmir, op.cit., p.37.

84. Census of India, 1891, op.cit., p.3.

85. Vital Speeches and Documents, op.cit., p.776.

86. Administrative Units Reshaped, Ministry of Information and Broadcasting, J&K Government (Year not mentioned), pp.3-4.

87. Ibid.

88. Census of India, 1941.

89. (i) Madhok, Balraj, A Story of Bungling in Kashmir, Young Asia Publications, New Delhi, Year not known, p.40.

(ii) Brincs, Russell, Indo-Pakistani Conflict, Pall Hall Press, London, 1968, p.64.

(iii) Bazaz, P.N., Skr Struggle for freedom in Kashmir, Pamposh Publications, E-38, Hauz Khas New Delhi-16, 1954, pp.321-22;

"Barring the National Conference, other main political Parties in the country, including the Muslim Conference, had repeatedly advised the Maharaja to be friendly with both the Congress and the League block in the Indian Constituent Assembly and to remain neutral without joining the one of the other.

Meetings of the Working Committee and the General Council of the Kisan Mazdoor Conference were held at Acchabal on 6th and 7th April, 1947. A resolution was adopted in these

meetings advising the Maharaja of Kashmir that after establishing friendly relations with both the Congress and Muslim Leadgue he should declare independence of the State and that simultaneously he should introduce complete responsible government in the Country."

(iv) Mehr Chand Mahajan in his article, Kashmir Problem in its true Perspective (Hindustan Standard, June 3, 1957), New Delhi) confirmed it when he said "even some of the politically conscious groups in the State wanted Maharaja to remain independent. ..."

90. (i) Digest of Statics, 1973-74, op.cit., p.1.

(ii) Zutshi, J.N., A Portrait of Population, op.cit.p.15.

91. Digest of Statiscs, 1973-74, op.cit., p.1.

92. Census of India, 1971.

93. Census of India, 1981, Series 1 Paper 40, p.26.

94. Census of India, 1981, Series 8, J&K, p.16.

95. Census of India, 1981, Series-I, Part II-A(i), General Tables, pp.110-43.

96. Report of Agricultre Census(1970-71), Vol.I, p.14.

97. Ibid., p.14.

98. Ibid., p.69.

99. Report of the Land Commission, Government of J&K, March, 1968, p.6.

100. Ibid., p.7.

101. Report of the Land Commission, Government of J&K, March, 1968, p.7.

102. Co-operative Bulletin, Published by Sh.Jitender Dev, General Secretary, J&K Co-operative Union Ltd; Vir Marg, Jammu, Agust, 1957, pp.3-4.

103. Report of Land Commission, op.cit., p.1.

104. Report of Agriculture Census (1970-71), Vol.I, p.48.

105. "Twenty-Point Programme Implemented in J&K," Department of Information, J&K, Srinagar, 1970, p.3.

106. Address to the Joint Session of the Jammu & Kashmir Legislature by the Governor Sh..L.K. Jha, 5th February, Jammu, Government of Jammu & Kashmir, 1977, p.4.

107. Zutshi, J.N., A Portrait of Population, Jammu and Kashmir op.cit., p.67.

108. (1 to 6) Ibid.
(7 & 8), Zutshi, J.N., Digest of Population Statistcs, Director of Census Operation, J&K Government, 1971, p.1. (N-denotes negligible).

109. Ceusus of India, J&K, 1971, Series 8, J&K Part-I-B General Report, P.26.

110. Census of India, 1981, Series 1, Paper 40, p.26.

111. Rizvi, Jonet, Ladakh-Crossroads of High Asia, Oxford University Press, 1983, p.89.
" The others include Christains, Jain and othhers. ..."

112. Zutshi, J.N. A Portrait of Population, Jammu and Kashmir op.cit., pp.61-62.

113. Ibid., p.62.

Among mother tongues of non-Indian origin, Afghani,

114. Rissam, Ravinder Singh, Political Parties-Split, Merger And Alliances: A Study of J&K Post Independence, An unpublished Ph.D. Thesis, 1994, p.16.

115. Bhushan, Vidya, State Politics & Govt., J&K Jay Kay Book House, Jammu, 1985, p. 344

116. Ibid.

117. Rissam, Ravinder Singh, Political Parties-Split, Merger, And Alliance, J&K Post-Independence Period, op.cit., p.17.

118. Punjabi, Riaz, Abdullah Era, University of Kashmir Naseem Bagh, Srinager, 1982, pp. 2-4.

119. Bhushan, Vidya Evolution of Democratic Institution in Indian Polity, ESS ESS Publication, New Delhi, p.1[illegible]

120. Khan, G.H., Freedom Movement in Kashmir, 1931-1940, Light & Life Publisher New Delhi, 1980, p.378.

121. Bhushan, Vidya, State Politics And Govt., Jammu & Kashmir, op.cit., p.345

122. Interview with R.B. Saraf, 1993.

123. Ladakh Buddhist Association - a Phamplet, 1990, p.1.

124. Gupta, Jyoti Bhushan, The Jammu And Kashmir, Martines Nijhoff The Hague, 1968, p.203.

125. Karbel, Joseph, Danger In Kashmir, Princeton University Press, 1966, p.234.

126. Quomi, Awaz (Weekly), Jammu, July, 1974, pp.76-78.

127. Seminar, April, 1992, p.27.

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STATE POLITICS IN INDIA—AN INTRODUCTORY ANALYSIS

Politics in India, which has embraced the parliamentary-federal constitutional system of the west, is highly dynamic. The dynamism, however, creates an image of uncertainty and insecurity because of the lack of conceptual clarity about what is happening and where we are heading. The confusion is marked particularly in the relations between the centre and the states.

The study of state politics in India, where states are large political units, and in terms of area and population, much bigger than most of the members of United Nations, has become an important but neglected subject in spite of the fact that there has already appeared many studies on each of the new states of Asia and Africa. The states in the Indian set up operate as units of a federation rather than as independent or autonomous political entities. The very fact of the creation of federal structure in India implies the existence of heterogeneous units because of geographical, cultural, racial, lingual, religious, ethnic and socio-economic differences among the people of Indian states. All this leads the states to differ greatly in the degree to which they fit in the federal set up and in their politics. Moreover, there is powerful impact of national policies and parties on the form and behaviour of the state's system. But the impact strikes different states differently. The heterogeneity, therefore, contributes to the varying degree in the organisation and spirit of the states politics and "one has to grapple here not with one pattern but with several patterns of state politics which are emerging."[1]

1. Narain, Iqbal, *State Politics in India*, Meenakshi Prakashan, Meerut, 1976, p. xvi.

In their wholistic approach, most of the political scientists, engaged in the study of Government and Politics of India, have examined the constitutional structure or political forces and processes at the state level with national perspective. Most of the case studies, which have recently been conducted on different aspects of state government and politics, have described the formal, constitutional and legal aspects on the National pattern.[2] This is because of the fact that a single enacted, written and integrated constitution of India treated the country as an organic whole. Moreover, the fathers of the Constitution really wanted to bring about a sort of a basic uniformity in the constitutional framework at the National as well as at the state level. Political scientists, therefore, believed that each of the states of the Indian federation is a miniature of the structure and organization of the Union Government.[3] As such political activities at the state level are not very much different from those of at National levels. They are of the view that the centralized structural arrangement in the Constitution over-shadows the issues at the state level or the state issues. They think that national issues, national campaign and national parties project themselves into the affairs of the states. Moreover, one-party dominant system is also a factor in frustrating an autonomous growth of state politics. The Central leadership too, not only directs its state party units from time to time, but also interferes in the sphere of state government and regulates the behaviour of its state leadership occupying the seat of power.[4] In short, a host of the studies of government and politics in the states view state politics from the National rather than from state perspectives. While trying to present a developmental profile of Indian polity, even Rajni Kothari accepts that the focus of his 'Politics in India' is on the characteristic pattern and inter-relationship that inform the operation of the Indian political system as a whole

2. Pandey, Jawaharlal, *State Politics in India*, Uppal Publishing House, New Delhi, 1982, p. x.
3. Robert L. Hardgrave, Jr., *Indian Government and Politics of a Developing Nation*, New York, Harcourt, Brace and World Inc., 1970, p. 91.
4. Pandey, Jawaharlal, *State Politics in India, op. cit.*, p. xii.

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and not to be 'lost' in the estoric details of its many Constituents....[5] But Dr. Iqbal Narain points out that state politics in India begins with the confines of an enacted, written and integrated constitution though obviously it does not end with it.[6]

Frameworks of State Politics for Analysis

It is indeed a very difficult job to provide a theoretical framework for the study of state politics in India as it is still in the process of transition and thus the polarization of political forces has not freely taken place. However, an informal group, organized by Myron Weiner, under the auspices of the Committee on South Asia of the Association for Asian Studies, perhaps for the first time, stressed the study of state politics in India from the state, rather than the national perspectives.[7] This idea grew out of two seminars—one at the University of Chicago in April 1961 and another at the Messachusetts Institute of Technology in late 1964.[8] Dr. Iqbal Narain too feels that the understanding of state politics is basic to have an intelligent, meaningful and critical understanding of Indian politics as a whole. An analysis of state politics will, thus, lead to insights into those features of the political processes which are common to political phenomena in general. No doubt, India is a unitarised federal structure—where states are the least autonomous and performing traditional functions, where exists uniformity in the constitutional frameworks of the Centre and the state—yet each state has been undergoing its own pattern of political development and facing its own political issues and differs in respect of its politics and political belief. Dr. S.P. Verma also has pointed out, "working within the common framework of the national government, sharing a common legal system and common administrative structure,

5. Kothari, Rajni, *Politics in India.*
6. Narain, Iqbal, *The State Politics in India*, *op. cit.*, p. xvii.
7. Weiner, Myron, *State Politics in India*, Princeton, N.J. Princeton University Press, 1968, Preface.
8. Weiner, Myron, *State Politics in India*, *op. cit.*, Preface.

the diversity that they (states) display in their political processes is, indeed amazing. They seem to differ from each other not only in their emotional build up and mental outlook, but also in their political affiliations. Some states are strong centres of leftist ideology; others are staunchly anti-leftists. In some states we find greater political consciousness which leads to greater political participation, while in other states, the indifference and the apathy to politics is appalling. Some states appear to be homogeneous and integrated; others seem to be permanently suffering from great stresses and strains. In some of the states we find the ruling party in good shape and the opposition properly organized. In others, it is not only the opposition which is in general disarray but the ruling party itself is the victim of factionalism and internal squabbling. It would be interesting to examine how far these differences in character of state politics are due to the socio-economic environments prevailing in these states, how far they are connected with the composition and character of the ruling political party, and how far they are the result of the nature of political leadership."[9] Hence, any one trying to have a vivid portrait of state politics in India and to make a useful and interesting analysis of informal forces that shape the political process and political development in the states will have to approach his subject from state perspectives only.

In the later part of the fifties, and the first part of the sixties, the study of state politics in U.S.A. had re-entered the mainstream of political research and experienced changes similar to those of other fields in political science.[10]

However, the conceptual framework in the U.S.A. was developed by V.O. Key, Jr.[11] The recent studies of the state politics in America tried to develop certain scientific techniques

9. S.P. Verma, *Perspective and Approaches* in Iqbal Narain (Ed.) State Politics in India, p. 16.
10. Pandey, Jawaharlal, *State Politics in India*, *op. cit.*, p. xiv.
11. *Ibid.*, p. xii. Mr. Pandey has referred V.O. Key Jr.'s three works i.e. V.O. Key Jr., *Southern Politics in State and Nation*, New York, Alfred A. Knoff. Inc., 1949; his *American State Politics—An Introduction*, N. York, Alfred A. Knoff Inc., 1957 and *An Autonomous State Politics*, *op. cit.*

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as well as conceptual framework of state politics. Some of the authors have applied comparative approach as they believed that American States provide ample basis of comparability, though they have sufficient differences, mass culture of the homogenous society as well as of industrialised society.

But imported western tools cannot be applied to understand the problems in Indian states as these are heterogenous units and have infra-structural diversities in terms of region, religions, languages, races, urbanization, industrialization and economy. Hence, as already pointed out, one has to grapple here not with one pattern of state politics but with the varieties of them, which are emerging, though none too steady, as there are pulls and swings and the process of flux and change in Indian politics at the centre as well as state levels.[12] There is, therefore, as yet no such thing as a theory of state politics in India; at best there can be theoretical framework.[13]

Myron Weiner[14] and Iqbal Narain,[15] however, made sincere efforts to develop a conceptual framework to be employed in the state politics in India.

Weiner prepared a framework for the authors who contributed to his book—'State Politics in India'. He expected that it would permit each of the authors to analyse the political processes within his state as well as also enable him to explore a set of themes comparatively.[16] His approach, therefore, treated each state as a constituent unit within large system but nonetheless a separate political system.[17] The approach tried to describe and analyse the political process in a single state and to relate it to the social and economic environment in which politics occurs; and the performance of government.[18] His framework, thus, reflected a distinct bias towards the systems'

12. Narain, Iqbal, *State Politics in India*, *op. cit.*, p. xvi.
13. Singh, Balbir, *State Politics in India*, MacMillan India Limited, New Delhi, 1982, p.2.
14. Weiner, Myron, *State Politics in India*, *op. cit.*, pp. 6-9.
15. Narain, Iqbal. *State Politics in India*, *op. cit.* pp. xix-xl.
16. Weiner, Myron, *State Politics in India*, *op. cit.*, p. 7.
17. Weiner, Myron, Ibid.
18. Ibid.

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Approach but with an explicit difference.[19]

In order to evolve his analytic framework for the study of state politics in India Iqbal Narain draws heavily upon the 'Systematic Approach' but, at the same time, adds quite a few relevant dimensions.[20] He rightly pointed out, "A framework is needed to identify and articulate the points of study and research; to provide for a sensitive refracting structure for observing the changing political phenomena and locating the 'Constants' and 'Variables' in the Panorama of state politics; to serve as a basis of comparison between one pattern of state politics and another; and to encourage scientific investigations into the labyrinth of state politics, which may ultimately lead to the emergence of a possible theory of state politics in India".[21] For building a theoretical framework, he refers the five determinants—Institutional, Physiological, Levels of Politics, Socio-Economic and Political and Elite Structure.[22]

Institutional determinant implies that state politics operates within the constitutional framework provided by the fathers of the constitution that is an identical framework for all the states with a strong centre, occupying a pre-eminent position.

Physiological determinant signifies that the states are in themselves both a 'whole' and a 'Part'—both an individual political person and a member of a bigger political family and are facing a conflict between 'Loyalty to self' and 'Loyalty to the family'.

Levels of politics determinant indicates Indian Political system as a three-tier system—with the state standing in between the centre and the local government. "The inter-locked character of state politics, which resembles a sort of intergrowth between the central and local tier; with the former, by and large, opening into it and the latter expected to 'open out' to it, particularly since the establishment of Panchayati Raj at the grass-roots level".

19. Pandey, Jawaharlal, *State Politics in India*, *op. cit.*, p. xix.
20. Narain, Iqbal, *State Politics in India*, *op. cit.*, p. xl.
21. Ibid., p. xvi.
22. Ibid., pp. xvii-xix.

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Socio-economic and political determinant implies that the centripetal forces—i.e. planning and one party dominance — and centrifugal forces—i.e. democratic decentralization, regionalism, lingualism and states' quest for self-identity and self-assertion sharpen the edge of their interaction, influence the state politics and creat an element of competitiveness in the Indian politics in general and in state politics in particular. Myron Weiner would call it as 'Politics of Scarcity'.[23]

Elite structure determinant points to the fact that the king-pin of Socio-economic and Political determinant is the Elite Structure which governs a state. In other words the governing Elites play a critical role in the interaction between culture, society and economy on one hand and polity on the other.

Prof. Iqbal Narain, thus, concludes that "Political system of a state in India has got to be viewed as a point of confluence of national, state and local politics; as a system of inter-connection and interaction between governing Elite Structure, political Institutions, processes and politicies, as a traditional society struggling on its way to modernity through somewhat self-neutralizing processes of continuity and change; as a split political person in quest of self-identity as also fighting against its own self-alienation; and, in sum, as a miniature replica of a state's life in its totality".[24]

He then constructed a three-dimensional framework consisting of contextual, structural and operational factors. In contextual, dimension, he, includes the following components :[25]

1. History of a state—i.e. historical identity of the state, its pre-independence political status; its role in the freedom struggle and its impact of integration of princely states or of linguistic reorganization.
2. The geographical locale which gives strategic importance to a state even in politcal system.

23. Ibid., p. xviii.
24. Ibid., p. xix.
25. Ibid., pp. xx-xxx.

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3. Infra-structure – which manifests itself in social pluralism.
4. The level and pattern of economic development—which implies "the resources, potential, the level of economic growth, pace of industrialization, and crystallisation of class consciousness of a state shaping the form and substance of its politics on the one hand and the pattern of its relations with other states and centre on the other".
5. Human resources—particularly in its quality aspects.
6. The level of education—i.e. the role of education in articulating people in, making them ardent defenders of their interests and in converting them into a potential pressure group in the field of state politics; and
7. Urbanization—which is the cumulative result of economic development, spreading of education, modernization of agriculture, mobility, migration from rural to urban areas and possible correlation between urbanization and politicisation.

The structural dimension consists of formal constitutional structure i.e., the office of the Governor, the office of the Chief Minister; the Ministry and the Legislature; political Institution and process, political parties, pressure groups, elections, and administrative framework.[26]

So far as operational dynamics are concerned he refers the role of orientation of the actors, political behaviour and functional dimensions having a distinctive job connotation.[27]

Limitations of These Frameworks

Each of the above mentioned frameworks suffers from limitations. The framework of Myron Weiner is primarily meant for describing and analysing some pre-conceived aspects of a

26. Ibid., pp. xxxii-xxxvii.
27. Ibid., pp. xxxvii-xl.

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single state. In spite of the fact that he expected that the framework would simultaneously enable him to compare a set of themes, yet it was too slopsided to have in its compass the full-blown portrait of state politics.[28] Weiner himself admits "...it seemed to both editor and authors that it would be inappropriate at this stage of research...to impose a common framework".[29]

Dr. Iqbal Narain, on the other hand, though he was the first to recommend on all encompassing analytic framework on yet its application by different authors contributing to his volume failed to clarify some of the fundamental analytic problems in this area. While referring to the limitations, he himself, frankly admitted that the framework could not be uniformly applied because the data and information on all its dimensions had not been easy to obtain; tendency among scholars to be drawn more to the unique than to common aspects of political reality in the states of India; and the analytic framework had been rather ambitious in its scope. He further stressed that several studies were needed before it could yield meaningful and comparable generalizations for theory-building.[30] Moreover, the studies conducted on the outlines of this framework 'give, in the main, a political aerial survey rather than a penetrating study of the forces operating at the state level'.[31]

A Framework for the Present Study

This study, therefore, refrains from employing either of the above frameworks as they are. Besides being conscious of their limitations, it is circumscribed by the nature and range of its subject. Moreover, it proposes to analyse and evaluate a particular, though important, phase of Kashmir Politics, i.e., the Framing of Jammu and Kashmir's Constitution. Accordingly, it does not seem advisable to adopt any of the frame-

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28. Pandey, Jawaharlal, *State Politics in India*, *op. cit.*, p. xx.
29. Ibid.
30. Narain, Iqbal, *State Politics in India*, *op. cit.*, p. 590.
31. Rudolf d'Mellous, "Review of Iqbal Narain's State Politics in India", Seminar; 28 April, 1978, p. 43.

THE EVOLUTION OF 'STATE COUNCIL' IN JAMMU AND KASHMIR STATE DURING HUNDRED YEARS OF DOGRA RULE (FROM 1846-1947)

By Vidya Bhushan*

The Afghan conquest of Kashmir during the eighteenth centyry had reduced its people's existence to a deplorable plight. Although Ranjit Singh expelled the Afghans in 1819, yet he did little to alleviate the miseries of the Kashmiris. In fact their lot worsened under the Sikhs and was perhaps at its worst under the last two governors, Mohi-ud-din and Iman-ud-din. The Dogra rulers had, therefore, inherited from the Sikh's a crude and primitive administration. The machinery of government remained unorganised, arbitrary and medieval for a long time till certain forces compelled the rulers to initiate the process of democratisation. Full democratisation of set up became inevitable by March 1948 as a consequence of the British withdrawal from the sub-continent, tribal invasion of the State and the insistence of the Government of India on the establishment of the popular government as a pre-condition to accession and military assistance.

The first two Maharajas carried on the administration as a personal rule, though they were assisted by a number of advisors headed by a Chief Minister. Maharaja Gulab Singh was not a reformer but a founder. Having obtained his kingdom most of his time was devoted towards the consolidation and building up of his new empire and the present Jammu and Kashmir state is said to be his "monument[2]". He had hardly any time left for bringing about administrative reforms, though he made a few changes. The process of improving the administration was thus started by Maharaja Ranbir Singh, Maharaja Partap Singh and Maharaja Hari Singh took it further.

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1. Singh, Satinder Bawa: The Jammu Fox. (A Biography of Maharaja Gulab Singh of Kashmir 1792-1827) Southern Illionos University Press Carbondale and Edwards Ville Feffer & Simon Inc.London, 1974.p.

2. Panikar, K.M.: Gulab Singh Martin Hopkinson, Soho Square, London, 1930, p.160.

However, the evolution of the State Council in the state, during Dogra ruler can be discussed under the following phases:-

1. 'Aian Council'
2. Edict of Maharaja in 1889;
3. Decentralisation of powers;
4. New vision;
5. Council in New setup;
6. Further reforms;
7. Council as envisaged in the New Kashmir Plan;
8. Experiment in Dyarchy;
9. Dyarchy in another form; and
10. Dawn of New Era.

1.1. '<u>Aian Council</u>'

Maharaja Ranbir Singh (1857-1885) versatile genius that he was started the process of decentralisation of administration and for the first time sanctioned a set of rules called 'Aian Councill'[1]. Under this Aian some powers were delegated to Mian Partap Singh, the heir apparent. A Council of Ministers was formed with Dewan Anant Ram, as Prime Minister.[2] There were three other members of the Council. Provincial administration was also decentralised to ensure effective participation of the representatives of the people in the administration of the state. In Bhadon S-1939, the Maharaja, sanctioned formation of two councils presided over by the Provincial Governors.[3]

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1. i) Jammu Archives File No.1288 (Persian Records)
   ii) Sharma, B.P. : <u>Ranbir Singh</u>
   Rulers of Jammu and Kashmir:-2
   Jammu. 1879 (An unpublished Book) P.66.
2. Sharma, B.P.: Ranbir Singh, op.cit. P.60.
3. ~~Ibid.~~ The three other members of the council were:-
   1. Babu Milamber Mukerjee
   2. Wazir Punnu; and
   3. Sheikh Wahab Din.
4. Khuihami, Peer Ghulam Hassan: "<u>Tarikh-i-Hassan</u>"
   Vol: II
   The Research and publication Division
   Srinagar, 1954 P.871.

1.2.1. Edict or Irshad of the Maharaja in 1889

~~The history of the institution of the State Council starts from the year 1886~~. On 4th November, 1886 the Governor General of India during an interview with Maharaja, while referring to the break-down of Gobind-Nilamber Ministry, advised the Maharaja to entrust the administration to a Council composed ~~on~~ of his brothers-Raja Ram Singh, Amar Singh and Dewan Lachmen Dass.[1] Thus in January, 1887, ~~for the first time~~, Maharaja constituted a Council[2] to run the administration. It consisted of Dewan Lachman Dass as Prime Minister and President and Raja Ram Singh and Amar Singh as members. In March, 1888, the Maharaja Dismissed[3] the Dewan. And on 5th March, 1888, Mr. Plow-den (the Resident in Kashmir) sent to the Government of India a scheme for reorganisation of the administration. He suggested the following three alternative plans:[4]-

> to appoint Raja Amar Singh the Prime Minister on condition of his undertaking to carry out in all respects the polify of the Government of India;
>
> or
>
> to bring in a Prime Minister from elsewhere after taking precautionary measures against Raja Ram Singh and Amar Singh by ordering each one of them to take up his residence in his own Jagir;
>
> or
>
> to continue the existing Council, making the Resident its temporary head and strengthening it by the addition of two selective natives.

In 13th April, 1888, the Maharaja also sent to the Governor General of India a proposal[5] for the reorganisation of the Council. The proposed Council was to consist of a

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1. Foreign Department, Secretariat S. No. 73 proceeding December, 1886, N.A.I.
2. Resident to Foreign Secretary, 28th January 1887, Foreign Secretariat No. E-46-48, Proceeding March, 1887, N.A.I.
3. Bose J.C: Cashmir and it s Prince, D.P. Misra, No. 65, Cross Street, Calcutta, 1889, p. 33.
4. Kapur, M.L.: Kashmir sold and snatched, published by the Author, 1968, p. 140.
5. Digby, Sir William, Condemned Unheard, Indian Political Agency, 25 Craven Street, Charing Cross, London, 1890, pp 140-

President, a Vice-President and three members.[1] The Maharaja's proposal with slight modification was accepted.[2] By establishing this Council, the Maharaja had tried to lessen the interference of the Resident but the British were not very happy about it. They wanted the Resident to be in complete charge of the State. A court-intrigue was growing out because of the fact that the Maharaja had no son to succeed him. The British thus succeeded in playing off the Maharaja's brothers against him. ~~The British thus succeeded in playing off the Maharaja's~~ Meanwhile the Government alleged that the Maharaja had entered into treasonable correspondance with Russia.[3] His highness protested his innocence, swore that the letters were forged and begged that he might be allowed to have a look at them. He also demanded that he should be allowed an opportunity of publicly defending his innocence.[4] The Resident authoritatively observed that he was satisfied that the letters were genuine and so would not listen to anything His Highness might have to say. Then the draft of an Edict was laid before Highness, which however, he firmly and persistently refused to sign. "At last overcome by menaces and subdued by great and many-sided pressures, His Highness reluctantly signed the Edict."[5] The Maharaja would refrain from all interference in the administration, but he was to retain his rank and dignity as the Chief of the State and to receive an adequate

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1. Ibid."The Maharaja Himself was to be President, Raja Amar Singh the Vice-President and as well as P.M. and Raja Ram Singh, Babu Nilamber Mukerjee and Dewan Janki Prasad, the members........"
2. Foreign Secretary to Resident, 25th July 1888.
3. Bose, J.C.: Cashmir and Its Prince, Op.cit.pp.50-51.
4. Bose, J.C.: Cashmir And Its Prince, Op.cit.pp.53,57.
5. Ibid., pp.57-58.

but not extravagant allowance for the maintenance of his house-hold and other necessary expenditure. The Edict provided for the Constitution of a new Council consisting of Raja Ram Singh, Raja Amar Singh, an experienced European to be appointed in consultation with the Government of India on a salary of Rs.2,000 to Rs.3,000 per month, Rai Bahadur Pt. Suraj Koul and Rai Bahadur Bhag Ram. The Council would exercise administrative powers in all departments of the stat for a period of five years.[1] It would have full powers subject to the condition that it would take no important step without consulting the Resident, and that they would not act upon the Resident's advice whenever it was offered.[2] The Government of India did not appoint an Englishman as one of the members of the Council but Khan Bahadur Sheikh Ghulam Mohi-Ud-Din Khan was included in the Council on 15th June,1889, in order to give representation to Muslims.[3]

2.2. Decentralisatiorof Powers

This Kashmir imbroglio had caused a deep sensation inside as well as outside the country. Princes and people alike were anxiously watching its course. The act was said to be not only the violation of the Treaty of Amritsar and also contrary to the solemn promise made by the Queen Empress on the assumption of direct rule in India in 1858,[4] but

1. Ibid. p 58.
2. Ibid
3. Report on the Administration of Jammu & Kashmir from 1889-90 compiled by Pt. Bhag Ram Rai Bahadur,Jammu,1891,p 37.
4. Proclamation by the Queen in Council to Princess' Chiefs and people of India, Ist November,1858:-

   "We hereby announce to the Native Princess of India that all Treaties and Engagements made with them by order or under the authority of the Honourable East India Company are by us accepted, and will be scrupulously maintained; we shall respect the Rights, Dignity and Honour of Native Princes as our own......"

annexation of Kashmir. The action taken was also the subject of an adjournment motion in the House of Commons. Mr. Bradlaugh, while criticising the Government of India's action in the House of Commons, said that there was no such correspondence. He demanded that the letters be made public.[1] The main reason for such an action a was summed up by Dr. Adarsh Sein Anand,

> "Since 1887-1888, Russia had directed her attention to the Far-East in a policy which led to the Russo-Japanese war in 1904 and resulted in the triumph of Japan. During this period Russian power in the Middle East declined though her attitude appeared to be more threatening, and Russia's activity was confined to the penetration of Northern Persia. The British strengthened their influence in the South and counteracted the Russian promotion of the North. Their position became pretty strong. They made good use of the territory of Kashmir to strengthen themselves."[2]

After they had obtained what they wanted Lord Cross declared in the House of Lords that Government had no intention of annexing Kashmir and that the powers would be restored to the Maharaja.[3] The Maharaja was restored the powers of Administration in 1905 but subject to the veto of Resident.[4]

Thus the State Council was abolished. The Ministers were appointed to assist the Maharaja. Raja Amar Singh was appointed as Chief Minister. A new post of Home Minister and another of Judge of High Court wer-e created. According to the new Constitution, His Highness was the final authority in all matters of administration, and business papers requiring

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~~Proclamation by the Queen in Council to Princes, Chiefs and people of India, 1st November, 1858.~~

~~We hereby announce to the Native Princes of India that all Treaties and Engagements made with them by or under the~~

1. Hansard's Parliamentary Debates, July 3rd, 1890, pp 701-31.
2. Anand, Adarsh Sein: The Development of the Constitution of Jammu & Kashmir", Faculty of Law University College London April 1963. p.32.
3. Bose, J.C. : Cashmir And Its Prince, op.cit. p 90.
4. Bazaz, P. N.: The History of Struggle for Freedom in Kashmir, Lamposh, New Delhi 1954, p 74.

his orders werelaid before him by the Chief Minister. The four Chief Executive Officers were appointed. They were the Governor of Jammu, Governor of Kashmir, the Wazir Wazarat of Ladakh and Wazir Wazarat of Gilgit.[1] Full powers of the Administration were restored to the Maharaja in 1921.[2]

The ~~Committee~~ constitution was again changed and the State Council was again restored with the Maharaja as its senior member.[3] The 1921 Constitution was again replaced by the Constitution of 1922. At A Durbar held at Srinagar on 26th Assuj, 1978 (1922 A.D.) His Highness, the Maharaja announced the formation of an Executive Council on modern lines. General Raja Sir Hari Singh was appointed senior member of the Council. Rai Bahadur Janak Singh, Revenue and Finance Member, A.D. Hakim, Home and Law Member and Nawab Maula Bakash-Commerce and Industries Members.[4]

In short, a process of decentralisation started but the people however, had no voice in the administration.

1.4. New Vision

The Constitution of 1922 was replaced by the Constitution of 1924 and was amended thrice within six months.[5] The Council was to consist of 6 members.[6] Two new portfolios were created viz---i) Public Works and ii) Finance and Police. In order to pursue the Policy of decentralisation the following

1. The Annual Administration Report, J&K State for Samvat 1977-7 (1920-23), Jammu, 1924, p 1.
2. Ibid. p 2.
3. Wazir Ganga Ram Report on the Administration J&K State 1943, pp 115-16.
4. The Annual Administration Report J&K State for Samwat 1977-79 (1920-23) Jammu, 1924 p 1.
5. Constitution of Jammu and Kashmir, Council and Rules of Busine Srinagar, 1924, p1 :-
   The Constitution was amended by:-
   i) Resolution No.XXXIII Dt.the 27th May,1924;
   ii) Resolution No.XLIX Dt.the 27th May,1924; and
   iii) Resolution No.III Dt.25th July,1924.
6. Ibid. p.1.

committees were appointed to help the administration in matters of importance involving consideration of principle and policy.[1]

a) A committee to examine the tenders received for the sale of Kuth and to report whether the agency or the contract system was to be preferred in the disposal of kuth;

b) A committee of the Settlement Commissioner and the Conservator of Forests to draw up a complete programme of forsts Demarcation;

c) A committee to revise the customs tariff, and

d) A committee to determine the principles under which the State should accord permission to industrial enterprises within the State.

After the death of Maharaja Pratap Singh, the new Maharaja Hari Singh in Council sanctioned a new Constitution of J&K Council under Regulation No.1 dated 28th November, 1925.[2] The Council was to consist of five members:-

i) Revenue Member and Army Member,

ii) Finance and Police Member

iii) Member for Commerce and Industries

iv) Home Member and Law Member, and

v) Public Works Member.

His Highness was to preside over the meetings of the Council and it had a Secretary and necessary establishment. After about 16 months, the Maharaja replaced the Constitution of 1925 by the Constitution of 1927.[3] A Council of Ministers was placed incharge of the superintendence, direction and control of civil administration. Matters relating to

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1. A Typed Note "The Administration" found in Shri B.P.Sharma's old records files.
2. For detailed provisions refer to The Constitution of J&K State Council and Rules of Business as sanctioned by His Highness Maharaja Bahadur in Council under Regulation No.1 the 28th November, 1925. p 1.
3. A Note on Jammu and Kashmir Government, Jammu, 1928, pp 7-8

legislation and budget and other important matters which required collective deliberations, under His Highness' Command, were referred to a Council of Ministers for advice. His Highness himself presided over the meetings of the Council. There were rules for the conduct of business in the State Council and its secretariat more or less on the lines of similar rules sanctioned in the British India.[1]

1.5 The Council in New Setup

Another landmark in the development of Council of Ministers (State Council) was the new setup established in the State under the Constitution, Act (Regulation) of 1991 (1934 AD).[2] The Council was made a part of the Legislature which consisted of--the Council and the Praja Sabha. No legislative measure was to be deemed to have been passed unless it had been passed by the Council or Praja Sabha and had received the assent of His Highness.[3] The Legislative work was divided into two parts and one part was entrusted to the council and the other to the Praja Sabha. The Council and the Praja Sabha, thus were not to be two houses of the legislature in the usual sense.

The Council consisted of Prime Minister and such other ministers as His Highness appointed. The Prime Minister was the President of the Council. He was to exercise his casting vote in a tie wand was not to vote except in a tie.[4]

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1. Ibid.
2. The Regulation consisted of 46 sections and two schedules, began with the statement of policy and came into force on 7th Baisakh, 1991.
3. Regulation of 1991 Sec.10.
4. Ibid.Sec.22

The Council was given the power to provide Regulation for any matter concerning the public debt or the public Revenue by the State including the imposition of any charge thereon or maintenance, alteration, or imposition of any tax or duty.[1] In cases of emergency or menace to the peace and good Government of the State, the Council was to submit an ordinance of His Highness. If assented to by His Highness, the ordinance had the force of law for a period not exceeding six months.[2] The two powers were not sharged by the Praja Sabha.[3] The Council was to consider or deal with matters concerning His Highness and the Royal Family; relations and agreements with the King emperor or any Government; Gilgit and Ladakh frontiers; rights of Illaquadars Jagirdars, the State depa-rtment in charge of the Minister in waiting on His Highness; the Dharmarth Department and repealing and modification of the provisions of Regulation (No.1,1991).[4] The Council was also empowered to make rules regarding the t term of office and conditions of nomination of nominated members of Praja Sabha, qualifications of the members of the Praja Sabha and of the electors, final decisions of doubts and disputes as to the validity of an election and regulating the course of business in the Praja Sabha.[5] The Council was also given the power to interpret the Constitution subject to His Highness superior power to say the final word in the matter.[6]

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1. *Ibid* Sec.11
2. *Ibid* Sec.12.
3. *Ibid*. Sec.26.
4. *Ibid* Sec.7 (The Dharmarth Deptt. was maintained for charitable and religious ~~xxxx~~ purposes).
5. *Ibid*. Sec.15-16.
6. *Ibid*. Sec.44 and Sec.3

1.6 Further Reforms

In order to make feeble attempts to appease the popular demand, the Maharaja issued a proclamation, sanctioning further constitutional advances, on February 11, 1939.[1] The J&K Constitutional Act (No.XIV of 1996) did not make the Council a part of the legislatu re but regarded it as the Executive. But the powers and functions of the Council had, however, remained almost the same as unde under Regulation No.1 of 1991- The mode of the Composition of the Council remained unchanged.[2] The Coun was to act in the name of His Highness and was made supreme over the legislature.[3] The Council of Ministers and had the power to restore the grant refused or reduced by the Assembly on the simple pretext that the expenditure was "necessary for carrying of any department or for the discharge of the Council's responsibility for its administration.[4]"

The keystone to the Council arch was the P-rime Minister. He was the pivot of the whole system of administration. In theory the appointment of the Prime Minister rested within the discreption of His Highness, which was not in any way influenced by public criticism, but in practice the discretion was governed by the advice and approval of the Central Government.[5] Thus the Maharaja and his Prime Minister shared between themselves all powers and it was not lawful for the Praja Sabha to considered or deal with any matter or to enact any law relating to or to enact any law relating to or affecting the Maharaja's relations with other Stat s, matters of frontier policy including those relating to Ladakh and Gilgit, specified matte

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1. Govt. of Jammu & Kashmir: A Handbook of Jammu & Kashmir Stat 1947, 3rd Edition, p 35.
2. The J&K Constitution Act No.XIV of 1996 (1939 AD) Sec.7
3. Ibid. Sec.34
4. Ibid. Sec.45 Proviso (a)
5. The Tribune, March 30, 1952, Shri B.P.Sharma's article "Kashmir Rises from Slavery to Sovereignty".

relating to Poonch and Chaneni Jagirs, rights granted to Jagirdars, State forces, Hazur departments, Dharmarth department and such other matters as might be specified by His Highness from time to time.[1] The Advocate General was to advice the council on legalmatters and might perform ~~with~~ such duties of a legal nature as were referred to or assigned to him by the Council.[2] The legislature was not given any right to choose the Minister. Since the ministers were responsible to His Highness and not the Praja Sabha, they were more concerned with gaining the favour of the Maharaja than doing any real good for the State. With powers so wide given to the Council, it is difficult to see how the Praja Sabha could effectively control the administration of the State. All these provisions give the impression that the legislature was subservient to the Executive.

1.7. The Council As Envisaged In The New Kashmir Plan

The people regarded these measures as half-hearted measures. They were struggling for a representative Government and were not satisfied with a puppet assembly and a council of ministers responsible only to His Highness. The National Conference regarded the Constitution Act of 1939 as inadequate. It held its annual session on the 29th and 30th September, 1944 at Sopore and unanimously approved a manifesto, NEW KASHMIR, as the objective of the National Conference.[3]

The Kashmir Manifesto desired that the Council of Ministers of the State should be responsible to the National Assembly, that the Ministers of the State should direct the branches of the State administration which fall within the

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1. The Jammu and Kashmir Constitution Act. No.XIV of 1996 Sec.24.
2. Ibid Sec.10
3. New Kashmir published by Mr. K.N.Bamzai, the Director Kashmir Bureau of Information 15-Prithvi Raj Road, New Delhi.

jurisdiction of the National Assembly, and that Ministers of the State should issue, within the jurisdiction of their respective departments, orders and instructions on the basis and in fulfilment of existing laws, as well as of decisions and orders of the Council of Ministers and verify their execution.[1]

Experiment in Dyarchy

The National Conference members both inside the Praja Sabha and outside it continued their fight for freedom. They demanded a full-fledged democratic state as embodied in its programme of "NEW KASHMIR". While the Conference was in session, the Maharaja announced his intention to invite two popular members to join his Council of Ministers. On the 2nd October, 1944, the Maharaja called upon the non-official members of the Praja Sabha to nominate a panel of six, out of whom he would choose two for his Ministers.[2] Out of a panel of six elected by the Praja Sabha, Mr. M.A. Beg and Wazir Ganga Ram, who secured the largest number of votes among the Muslim and the Hindu candidates respectively were appointed Ministers by His Highness on October 17th, 1944.[3] The Cabinet then included besides the Prime Minister, four Ministers of whom two were taken from the Praja Sabha.[4]

For a year and a quarter, the experiment of dyarchy worked both in the Praja Sabha and outside, Soonafter that it ended in a failure and National Conference withdrew its nominee.[1] Some of the reasons given for its failure are said to have been:-

i. that Mr. M.A.Beg was not given the right to speak and vote independently of the Government in the Praja Sabha and to have a separate secretariat responsible to him;

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1. Ibid., pp.17-18.
2. Jammu and Kashmir Information-a pamphlet issued by the Bureau of Information, H.H.Government of J&K April-August, 1946, p.4
3. Ibid.
4. Ibid.
5. Ibid.

ii. that restrictions had been imposed without his knowledge on the holding of public meetings and taking out processions in certain parts of the State; and the distribution of controlled commodities in certain places was defective;[1]

iii. that he was given unimportant portfolios and was not permitted to introduce in the Assembly, a new Municipal Bill drafted by him and designed to democratise the local self government machine.[2]

iv. the party recalled that during the time of Sir B.N. Rau, a former Prime Minister, a w-orkable formula had been adopted under which a dissenting Minister could express his views on the floor of the House and then be neutral in voting. But that the new Prime Minister Mr. R.C.Kak repudiated Rau's formula and thus precipitated the Constitutional deadlock.[3]

Sheikh Abdullah remarked that "No good could come out of sharing responsibility in the Cabinet in which the irresponsible elements dominated decisions and policy". Mr. Beg, as a popular minister, he added, had faced unfair administrative, non-cooperative indifference of old type cabinet members and found himself fettered by intolerable bureaucratic re-tapist restrictions even in the functioning

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1. Mr. M.A.Beg and Rai Bahadur R.C.Kak,PM.-<u>Correspondence published by National Conference in 1946</u>.
2. <u>The Hindustan Times</u>, dated 13th March,1946.
3. <u>Ibid</u>.

of his own department;[1] and thus the National Conference Minister was compelled to resign owing to the fanastic conditions[2] under which he was made to work. In the course of a statement Pt. Jawahar Lal Nehru had said:[3]-

> "Some States have attempted rather feebly to introduce a measure of dyarchy. This has not been successful and in the context of today has still less chances of success. Recently it has failed in Kashmir where one of the popular Ministers had to resign because he was given no opportunity to function effectively. Obviously, no organisation or a self-respecting individual can undertake responsibility for form's sake only without proper authority and opportunity".

Most of the reasons as old as the dyarchical ministry. But the sudden exit of the National Conference Minister was due to impending change in India's political status following negotiations between the British Cabinet Mission and the Indian political leaders. The National Conference proposed to seek recognition as a separate political entity representing ~~pe~~ the people of Jammu & Kashmir. A resolution of the working committee of National Conference stressed[4]:-

> ".....The need of democratic independence for Indian States emphasising that no constitutional arrangement would be acceptable to the State's people, brought about or entered into without free consent of their accredited and chosen representative....."

Dyarchy in another Form

The transfer of power was, however, not a smooth process. The Maharaja did not agree to appoint Sheikh

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1. For details refer Khidmat dated 3.4.1946.
2. For details refer the National Conference's Memorandum to Cabinet Mission published in the people's Age, Bombay, June 2nd, 1946.
3. Sh. B.P. Sharma's Article "Kashmir Rises From Slavery to Sovereignty", op.cit.
4. The Hindustan Times, dated 30.3.1946.

Abdullah as Prime Minister,[1] because he did not trust him.[2] Hence dyarchy, in another form was introduced in the State when, on 27 October, 1947, the Maharaja appointed Sheikh Mohd. Abdullah as the head of the Emergency Administration and Mehr Chand Mahajan continued as the Prime Minister.[3] In this sytem the organisation and control of the administration to meet the emergency were in the hands of a separate head of Emergency Administration and the ordinary civil administration continued with the Prime Minister. This arrangement, however, did not work longer. Soon after Sheikh Mohd. Abdullah was accused of using powers in a dictatorial manner regardless of all rules and forms of law.[4] "He consulted neither the Prime Minister nor the Maharaja, even in matters not within his competence, and undertook to overhaul the entire administration, haphazardly discharging, dismissing, retiring and transferring, high and low Government officials and replacing them by his favourites from the National Conference, whether qualified or not.[5]" "Mehr Chand Mahajan, the then Prime Minister of Kashmir also levelled similar charges against the Head of the emergency administration and called that it was a worse rule than in any autocratic country.[6]" He pointed out that "the Sheikh not only tried to assume as much powers as he could but also started a press campaign

1. Mahajan, Mehr Chand: Looking back, Asia Publishig House, New Delhi, 1963, p.156.
2. Ibid.p.164.
3. Ibid.
4. Das, Durga: Sardar Patel's Correspondence 1945-50, Vol. I, Nava, Jivan Publishing House, Ahmedabad-14, 1971, p.90.
5. Singh, Lt.Col. Bhagwan: Political Conspiracies of Kashmir, Light and Life Publishers, Lucknow 1973, p.61.
6. Das, Durga: Sardar Patel's Correspondence, 1945-50, Vol. I, op. cit.pp.113-114.

to oust me.[1]" Sheikh Abdullah on the other hand, accused P.M. of "being a pa-rty to the shooting of muslims."[2] Even N.Gopala Swami Ayyangee did not approve of this type of dyarchical system and pointed out that emergency administration and ordinary administration could not be segregated from each Other. They were so inextricably intertwined that the maximum unity of policy and control over both was imperative. To keep them segregated was to invite friction and the consequent confusion and chaos. Thus he pleaded for the immediate establishment of unified Interim Government.[3]

Dawn of New Ara

Meanwhile the wheels of history were in full swing. India and Pakistan got independence in 1947 and the State of Jammu and Kashmir was subjected to tribal invasion to force its accession to Pakistan. Gover-nment of India, when approached for accession and assistance, refused to oblige the ruler till the popular leader Sheikh Mohd. Abdullah was associated with the administration. Thus the Government of India and the people of Kashmir forced the Maharaja to part with power and to set up a democratic Government in the State.[4] Consequently, on 5th January, 1948, a little more than five months after signing of the instrument of accession, the Maharaja issued a proclamation accepting the legitimate desire of the people for the immediate establishment of a fully democratic constitution

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1. Mahajan, Mehr Chand: Looking Back, op.cit. p.157.
2. Ibid.p.162.
3. Ibid. pp.108-109
4. Ganju, Dr.M: This is Kashmir, S.Chand & Co., Delhi, 1948. p.31.

based on adult franchise with a hereditary ruler from ruling dynasty as the Constitutional head of the executive responsible to the legislature, and the replacement of emergency administration by a popular interim Government and for its powers, duties, and functions, pending a fully democratic Constitution, H.H.ordered the Constitution of a Council of Ministers and appointment of Sheikh Abdullah as the P.M.[1]

FACTORS AND FORCES OF MODERNISATIONS

Now, we may turn to a brief description of the forces and factors of modernisation as referred to above.The long arduous and evolutionary process of the State Council; like the legislative and the Judicial organs of the government and the transformation from a primitive autocracy to modern democracy involved a number of factors which helped to bring about this modernisation[2] in the state of Jammu and Kashmir.

One of the first influence in the direction of modernisation was the British rule over the sub-continent. Towards the last w quarter of the nineteenth century, the British interest in Kashmir and its standard of administration was stimulated and accelerated by Czarist Russia's expanionist policy in Central Asia and the states' strategically vital position, particularly in the frontier areas of Gilgit.The British wanted to establish their residency in Kashmir and to pressurise the Maharaja for subsequent lease of Gilgit.The eecession of Maharaja Partap Singh in succession to his father in 1885 gave them an opportunity for achieving their goal and for pressing administrative reforms in the state, although for fvarous reasons they abstained from straight away taking over Kashmir.[3] However all this led to noticeable improvement and structuring of administrative machinery.

In the first decade of this century, two degree Colleges-one in Jammu and the other in Srinagar, were established for giving the western type of education ~~based on adult franchise with a hereditary ruler from ruling dynasty as the Constitutional head of the executive responsible to the~~

1. Proclamation of Shriman Inder Mohinder Raj Rajeshwar Maharaja Shri Hari Singh Ruler of J&K and Dependencies Jammu,March 5,1948.
2. International Encyclopedia of the Social Sciences Vol.X. Macmillian and Free Press,p.386."Modernisation is the current term for an old process the process of social change whereby less developed societies acquire characteristics common to more developed societies".
3. Indian Constitutional Documents- Edited by A.C.Banerjee, Vol.II,A Mukherjee & Co.Ltd.Calcutta 1961,pp.26-28.

as was then prevalent in British India. Thiswas somewhat preceded and accompanied by similar move at the level of primary and secondary education. Within a generation, an educated elite, both in Kashmir valley and Jammu came into existence, asking for jobs and insisting that Kashmir was for Kashmirs, meaning thereby that the official and other government employees brought earlier from British India, particularly the neighbouring Punjab, be sent back and no more outsiders be taken in the state administration.

The demand of the modern and growing educated elite, transcended regional barriers and "Kashmir for Kashmirs" came to be widely understood as the whole state for the sons of its soil as against the outsiders. This gradually led, in the early years of the Maharaja Hari Singh, to the formulation of the law relating to the definition of the state subject.

Another factor, which began to operate a little later and to some extent contemporaneously was the growth of the national movement in British India. It was but natural that the state could not be completely isolated and immunised to the national movement and its manifold reprecussions. Some of the young inhabitants from the state went to the Universities in British India for their post-graduate studies in law, science and arts for which there was no provision in the state. There they happened to mix with their young contemporaries and get stimulated by the national feelings and sentiments. The launching of first civil disobedience movement by Mahatma Gandhi in 1921, followed by another in early thirties, and the intermittent hartals and satyagrahs etc. did n

fail to perculate into the students of this state. The growth and role of the press pa-rticularly from British India greatly helped in disseminating these news in the state.

Briefly, we may say that although the states people did not directly participated in the national movement of British India, yet they were largely influenced and the Kashmiri leaders played a substative part in the state people's movement which was largely on the same lines as the national movement in British India. This awakeneed in the state the feeling of local nationalism and acted as a stimulant to the demand for efficient and self-government. The die for transformation was cast by the various factors of modernisation at work.

In accordance with the familar pattern of the attainment of self-government in the former colonial areas of Asia and Africa, the foreign rule came to be rolled up, as, for instance in India.

The withdrawal of the British power from the sub-continent and transfer of power and the parition of the country created a set of new circumstances and situations which naturally led to the fulfillment of the democratic aspirations of the people. The Indian government accepted the accession of the state to India on the condition that the Maharaja would have to hand over power to a popular government in the State.[1] The doors, came, then, to be opened, gradually though, to the framing of a Constitution by the state's own consembly elected on adult franchise,

1. Mahajan, Mehar Chand: Looking Back, op.cit.,p.155

and to launch the state on the programme of the new Kashmir. The factors and forces of modernization have thus culminated in the replacement of autocracy by democracy as an organising and even developing process dedicated to the attainment of socio-economic future for all and the final power of the control of government vesting in the people themselves.

It is in such a developing perspective, a pattern of modernisation, that an attempt has been made in the preceding pages to glance at the growth of one of the political institutions. "The State Concil" and the transformation from autocracy to democracy.

people inside and outside of the State but also created more segmentations and segregations, irritations and tensions, conflicts and confrontations and political turmoils not only in its different regions of the state but also between the State and Centre particularly in post-independent era.

The whole discussion has, however, been divided into two parts viz. (1) The Major Political Controversies/Issues and the role of the Left in pre-August 1953; and (2) The Major Political Controversies/Issues and the role of the Left in post-August 1953 era. Part First has been discussed in this Chapter whereas Part II has been taken up in the Second Chapter.

NEW KASHMIR PROGRAMME OF THE ALL J&K NATIONAL CONFERENCE: A CRITICAL APPRISAL

~~It has already been discussed that~~ During the period 1931-39, freedom struggle in Kashmir gradually moved towards radicalism under the growing influence of progressive elements in the ranks of the National Conference. This trend infused further dynamism in the movement and began crystallising its nationalist character. The issue that was central to the struggle was that of oppressed people seeking release from their oppressors. Having made it sufficiently clear to the rank and file in the party, the signal which followed was that religion as a factor in the struggle had altogether been sidelined. The struggle involved the interests of lakhs of workers and peasants, the fruits of whose labours were being appropriated by a few

privileged individuals.[1]

The progressive forces in the leadership of the movement thus widened the scope of its impact on the masses of people by attaching primary significance to economic and political issues. The movement found strengthening the cause by giving it a nationalist and secular orientation. The healthy result of the role and performance of these new forces was the change over of The All Jammu & Kashmir Muslim Conference into The All Jammu & Kashmir National Conference, formally announced on June 10 and 11, 1939. With this, the doors of the organisation were opened to all who desired to join the struggle and nothing then barred them from playing an active role. From 1938 to 1944, the programme of the movement was not elaborately defined. It only spoke of general principle of securing political and economic freedom for the people. There was no concrete and comprehensive programme indicating the ways of achieving the objectives.[2]

It was in the year 1944, that a concrete shape was given to the ideals and objectives of the movement

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1. Kashmir Rallies for Freedom : An illustrated account of the political conventions held at Srinagar and other places in Kashmir, (Lalla Rookh Publications, Srinagar), n.d. pp. 1-43.
2. Ibid.

and its future programmes. This was set forth in the historic document known as "New Kashmir Plan".[3] It was adopted at the annual session of the National Conference held in September 1944 at Sopore.[4] This programme caused consternation and anxiety not only among feudal circles in Kashmir but also in the ranks of reactionaries the world over. What was more important about New Kashmir was that it marked a milestone in the freedom movement of the State of Jammu and Kashmir. If 1939 marked the beginning of the phase of liberalization of political attitudes in Kashmir, 1944 signalled the onset of a period of progressive thinking and socialistic upsurge. It was considered to be a panacea for all politico-socio-economic evils because it was aimed at restructuring the whole political and social system of the state.[5] This plan was historic in the sense that it embodied certain definite measures which the party proposed to undertake in furtherance of its goal of national self-sufficiency.

The New Kashmir Plan had two parts : the first

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3. For further details see Chapter IV supra & appendix.
4. Actually the programme had been prepared to be placed before the Commission appointed by the Maharaja under a Royal Proclamation on 12th July 1930.
5. Election Manifesto J&K NC, 1983 Published by Sheikh Nazir Ahmed, General Secretary J&K NC, Mujahid Manzil, Srinagar.

part dealt with the constitutional structure of the State of J&K and the second part with the National Economic Plan.[6] The part dealing with the Constitution of the State was further sub-divided into several sections including a) Council of Ministers, b) the National Assembly, c) Citizenship d) the ruler e) justice, f) local administration and g) the national language.

The section dealing with citizenship required that the people of Jammu & Kashmir State should be guaranteed :

1) Freedom of speech
2) Freedom of the press
3) Freedom of assembly & meetings
4) Freedom of street processions & demonstrations.

The Manifesto declared that freedom of conscience and of worship shall be guaranteed for all citizens. It further laid down that "no citizen may be arrested or detained except by decision of a Court of Law". All citizens would have the right to rest. All Students were to have a right to receive education &

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6 New Kashmir : (The Director of Kashmir Bureau of Information, 5, Prithvi Road, New Delhi), pp. 13-21

part dealt with the constitutional structure of the State of J&K and the second part with the National Economic Plan.[7] The part dealing with the Constitution of the State was further sub-divided into several sections including a) Council of Ministers, b) the National Assembly, c) Citizenship d) the ruler e) justice, f) local administration and g) the national language.

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6. New Kashmir : (The Director of Kashmir Bureau of Information, 5, Prithvi Road, New Delhi), pp. 13-21

7. Ibid.

scholarships were to be given to the deserving poor students. Women citizens were to accord equal rights to men in all fields of national life & the law was to give special protection to the interests of mother & child.

The manifesto also required that the highest legislature of the state, the National Assembly, should be elected by citizens of the State by electoral districts on the basis of one deputy per 40,000 persons for a period of five years. The Council of Ministers of the state should be responsible to the National Assembly. Section 27 of the manifesto required the position of the Ruler to be reduced to that of a constitutional head.

The National Economic Plan was sub-divided into i) production ii) transport iii) distribution iv) utility services, and v) currency & finance. The object of the plan was to provide a reasonable standard of living for all people in the state.

The programme of New Kashmir was carefully drawn. Its aim was to base the State structure on the strongly built plinth of democracy, secularism, nationalism and socialism. Soon after the presentation of the programme, it almost became the political creed

of the people of the State. The idea of transforming the State into a socialist, secular and democratic one appealed to the people and won their response.[8]

New Kashmir was regarded as a socialist manifesto, both in content and essence.[9] It was the document which best illustrated the leftist orientation of the political forces arranged behind the N.C. It was said that this programme was, in fact, the brain child of the Communists. Its contents reveal the extensive influence of the teachings and guidance of the World Communist leaders as well as the national left leaders on those who drafted it. The Manifesto was reportedly, chalked out by both locals and outsiders as its key drafters.[10] Subsequently, the N.C. with the help of the progressive group within it and under the influence of the Leftist leaders geared up to mobilise the people in support of the demand that sovereignty must vest with the people instead of the rulers.

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8. G.H. Khan : <u>Government and Politics of Jammu & Kashmir</u> (Srinagar, 1988), p. 11.
9. M.A. Faizili : <u>Socialist Ideas & Movements in Kashmir</u> (Eureka Publications, N. Delhi, 1980), p. 106.
10. 1. Prominent among the 'locals' were G.M. Sadiq, N.N. Raina, Miss Mehmooda, Mohammad Yusuf Dar, G.M. Malik, M.L. Misri, Sumitra Lakhwara, Dr. Nazir Ahmad and others.
    2. From among the 'outsiders' were B.P.L.Bedi and his wife Freda Bedi, K.M. Ashraf, Mr. & Mrs. Hafeez Jalandhari, Prof. Abdullah Safadar, Fazal Illahi Qurban, Dr. G. Adhikari and Daniel Latifi.

It was first published in the shape of booklet; its cover was decorated with the red flag and white plough which had since become the party flag of the All Jammu & Kashmir National Conference. The red background was adopted to signify 'the ascendency of the toilers/tillers to a place of dignity and honour' and plough to bring out the supreme need for the promotion of the interests of the vast masses of cultivators who had suffered under feudal suppression'. The red flag thus embodied the party's basic programme dedicated to the peasants and the working people, both manual and intellectual.[11]

Just as the Indian National Congress had adopted the policy of socialism and land reforms which went back to the Karachi Resolution of 1931, the N.C. too had its programme of 'New Kashmir' which went back to the early 1930s, and spoke for the left-wing politics that N.C. had opted for.[12] The 'New Kashmir' could be said to have emanated from the struggle for freedom launched by the people of J&K in 1931 aiming at wide

11. Vidya Bhushan, State Politics and Government (Jay Kay Book House, Jammu, 1985), p. 213.
12. Taya Zinkin, Challenges in India (Allied, 1966), p. 67.

bringing social change in the existing structure and which continues till date. Obviously no people's movement can succeed unless it has a clear picture of its objectives before it and the means of realizing those objectives. By drawing the Naya Kashmir Programme, the N.C. had met the persisting need of clarifying its ideological stand, which, in turn, brought it credibility in the eyes of those who were leading the national liberation movement in the subcontinent.

The rightist parties and groups within the state did not approve the New Kashmir Manifesto. They regarded it as an instrument of depicting the Communist ideology and drafted by the Moscow-trained Communists.

The Communists in Kashmir as well as in India welcomed the adoption of the New Kashmir Manifesto and regarded it as the sheet anchor of the Kashmir National Conference.[13]

The rightist parties of Jammu being feudal in character and pro-Maharaja openly opposed the radical programme of New Kashmir. They were of the view that to

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13. Cross Road May 9, 1952.

Support New Kashmir programme means to support the Communist ideology and the extension of the Communist influence in Jammu & Kashmir.[14]

But the Rightist parties in the valley supported the New Kashmir programme which meant to them, economic equality, social justice and freedom from the suppression and oppression of the Dogra dynastic rule.[15]

VISIT OF CABINET MISSION

While the National Conference was engaged in preparing masses for a decisive fight for the establishment of the democratic Government in the State on the basis of New Kashmir programme, there surfaced certain important political developments in the Indian sub-continent.

In 1945, when news spread that thousands of captured Indian National Army of Netaji Subash Chander Bose were being maltreated in several concentration

14. Interview with Balraj Madhok.
15. Interview with Peer Giyas-ud-din.

(12)

THE POLITICS OF THE

EVOLUTION OF THE INSTITUTIONS OF LOCAL SELF-GOVERNMENT

Local self-government is, and must be the basis of any true system of democracy. We have got, rather, into the habit of thinking of democracy at the top and not so much below. Democracy at the top will not be a success unless it is built on this foundation from below."[1]

Jawahar Lal Nehru.

The Local Government is at the bottom of pyramids of governmental institutions with national government at the top and intermediate governments (regions and provinces) occupying the middle range. Local self-government, is therefore, the best possible instrument to distribute powers on democratic lines, Local bodies, therefore, are important units for achievement of decentralisation of political powers and promotion of democratic values. Local institutions, in fact, are indispensable for the success of democracy and it is here that the programmes of national development are put in action and people learn their first lesson of democratic rule. These are regarded as instruments of political education and civic consciousness. They, thus, are vital instruments of mobilisation of local efforts and resources in the common task of nation building. They also serve as training ground for the politicians to function at the state and central levels[2]. These institutions are really welfare societies and on their successful functioning, therefore, depends the success of the welfare states.

The urban civilization which flourished in India since the times of Indus Valley gave rise to a number of socio-politico-economic problems and the town dwellers felt a need for regulations. The

town (particularly in urban areas) being close to the seat of government received much attention of rulers. In order to regulate urban life and carry on civic administration of the town the governmental agency known by the name of municipal bodies therefore, came into being. However, the evolution of modern municipal Government, as an institution of local self-government, in the state, Jammu & Kashmir may be said to have been initiated by the first Municipal Act of Samvat 1943(1886-87 A.D.)[3].

4.1. THE MUNICIPALITIES

The two Municipalities, one at Jammu and other at Srinagar were, therefore, constituted under this Act.[4] These were purely official bodies, financed by govt. and consisted of 24 nominated members in the case of Srinagar and 18 in the case of Jammu[5]. The provincial Governors (under the general control of the Home Minister) were ex-officio presidents[6]. In order to improve the level of civic amenities, the Municipal Act of 1886 was amended three years later[7]. In 1893 the government setup a separate department known as the department of Municipal Administration to deal effectively with their day to day affairs[8]. During the initial years the Municipalities paid attention to the following activites[9]:-

1. Conservancy and sanitation;
2. Repair and construction of lanes, roads and bridges;
3. Construction of slaughter houses;
4. City lighting;
5. Construction of drains and public latrines;
6. Inspection and control of articles of food and drink;
7. Fire protection;
8. Registration of births and deaths within municipal limits;
9. Control of building activity.

A number of bye-laws were passed in 1898-99 for improving the working of municipalities as well as for the standard of civic services. In Srinagar municipality a sanitary inspector was appointed for the first time to look after conservancy arrangements and to examine articles of food and drink[10].

In 1913, the constitution of the Municipal Committees was

revised to introduce an elected element in their membership[11]. This element constitutes one third of the total membership. The committees, therefore, reorganised i.e., the Srinagar Municipallity was given 8 elected and 16 nominated members, whereas Jammu Municipality 6 elected and 12 nominated members[12]. One elected seat in each Minicipality was specially reserved for traders[13]. The municipalities were extended the privilege of having paid presidents who also enjoyed independent control over their finances[14]. They were allowed to maintain a separate Municipal Fund to which all sums received were credited[15]. The Municipalities were, with the previous sanctions of the government, empowered to impose the taxes[16], such as:-

1. A Tax payable by the owner, on building and lands'
2. A tax on persons practising any profession or art or carrying on any trade within the minicipality.
3. A tax or toll or both on vehicles and animals and boats within the municipality.
4. An octroi on animals or goods or both brought within the octroi limits for consumption or use therein.
5. A tax for the purpose of constructing or maintaining works for the supply of water.
6. A tax payable by the occupier of any building in respect of which the committee has undertaken the house scavenging.
7. Lighting tax for providing lights in public streets and thorough fares.
8. Any other tax that the government may approve and sanction.

The Octroi revenue was also separated from the general revenue. The octroi receipts were, therefore, credited to the Municipal Fund and placed at the disposal of the committee after deducting 15 percent as collection charges[17]. Besides, loans were also sanctioned to municipalities by government to assist them to undertake various schemes of sanitary improvements[18]. To facilitate better administration the municipality setup some sub-committees namely, Finance sub-committee, Health sub-cummittee and Public Works sub-committee[19]. The deficits in the budget of Municipalities were met from the general revenues of the state[20].

The Municipal Regualtion of 1913 was, therefore, the genesis of local administration and thus, an important development in the municipal history of the state.

The period following this witnessed the framing of a number of rules and bye-laws for the municipalities. Their elections were triennial (after every three years) and people showed much interest in their election[21]. In 1912 the practice of electing a Vice-President from among the members of the committee was introduced[22]. The Municipalites suffered because of inadequate resources of their own and depended very much on state assistance.[22a] In 1927-28 their constitution was again changed so as to increase the proportion of elected members to one-half of the total membership and to introduce the system of joint electorates for the first time[22b].

Towards the end of 1930, there were two municipalities and four Notified Area Committees in the state. With the passage of time their activities also increased. Some of the important functions then performed by the Muncipalities [23] were:-

1. Sanitation
2. Drainage
3. City lighting
4. Water supply
5. Vaccination
6. Conservancy
7. Supervision of markets, slaughter houses, cattle ponds, public gardens, bathing ghats, crematoria and cemeteries.
8. Registration of births and deaths
9. City engineering works
10. Removal of dangerous or insanitary buildings
11. Health propagandas
12. Prevention of cruelty to animals.

An important development during this period lies in the introduction of 'ward' system of representation.[23a] Each 'ward' was an independent unit with a special staff of its own responsible for various municipal functions. The executive staff of the ward, (such as Inspector, overseer and tax inspector) was under the control of a ward officer. The technical supervision of all the wards was in the hands of three officers viz Health officer, the Revenue officer and the Municipal Engineer. Administration of all the departments and Wards was controlled and coordinated by the President in his capacity as Chief Executive Officer of the Municipal Committee.

The president had a central office of his own, where records of proceedings of the committee, as well as of government orders were maintained. The central office was divided into five departments viz., General Administration, Health, Engineering, Accounts and Legislation, each under a special officer responsible to the President.[24]

In 1936 the Constitution of the Municipalities underwent some important changes. The franchise qualifications were lowered and brought in line with those prescribed for the Praja Sabha Election,[25] while accepting the persistent demand of the majority community. The separate communal electorates were also introduced. The elected element was substantially increased to provide a clear majority.[26] A little later, a Municipality in Poonch was established.

Another important step towards the development of Municipalities in the state was the passage of J & K Municipal Act of 1941 which repealed the Municipal Act of 1913. Some of the most important provisions of J & K Municipal Act of 1941 are summed up as under:

Constitution of Municipal Committees[27]

The Government might declare any area to be a municipality. A minicipal committee was to consist of not less than 5 members. The members might be nominated or elected or the Committee might consist of both classes of members. Unless the government otherwise provided, the nominated members should not exceed one-fourth of the total members. It might be noted that at that time in both the Municipalities the nominated element was about two-thirds of the whole and that when orders under this Act were passed the proportion of the elected members would increase.[28] The president of the Municipality was appointed by the Government. He presided over meeting when present. One or more Vice-Presidents might be elected and they took the chair in order of their seniority in case the President was absent from the meeting.

Every Committee must hold a meeting at least once in a month. Ordinary and special meetings were called according to the nature of the business to be transacted. At a special meeting one half of the members and at an ordinary meeting one-third of the members constituted a quorum. But no quorum was necessary for a meeting which had once been adjourned. Decisions were made by a majority of votes.

6

Muncipal Funds and Taxes[29]

Every municipality maintained a minicipal fund to which were accredited:-

(i) every sum received by a municipality
(ii) fines realised for offences under that Act or minicipal bye-law and
(iii) fines and forefeitures for offences under Police Act No. 31, Motor Vehicles Act and Cruelty to Animal Act.

Certain items of expenditure like the amounts legally due from a municipality, pays and allowances of servants and funds to the expenditure on the construction, maintenance and improvement of roads and streets and arrangements for water supply were obligatory for the municipal committees.

With the sanction of the government, a municipality might enforce some taxes e.g. those on annual value of lands and buildings, on trades, vehicles, animals and octroi duty. The proposal for levying a tax must be passed at a special meeting of the Committee.

Functions[30]

The activites of a minucipality embraced a great variety of functions such as the extinction and prevention of fires, supplying of water, taking proper measures to maintain proper sanitary conditions in the municipal area by maintaining and regulating burning and burial grounds, bath rooms, public slaughter houses, by destroying dangerous animals, by regulating dangerous and offensive trades, and by maintaining lines of drainage and proper arrangements for scavenging and preventing the sale of *unwholesome* food and its consumption. A municipal committee was also required to provide social amenities for citizens in the form of electricity, parks and places of entertainment (not all these free of charge, of course). One of the most important duties under the Act was to approve plans for the erection and reconstruction of buildings, streets and the like. Most of these functions were not obligatory on the Municipal Committee but it was provided in the Act that the Government might pass orders to make any of them compulsory for a committee.

Bye-laws[31]

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Bye-laws[31]

A committee might and must, if ordered by the government, make bye-laws for a variety of purposes. Some of these were:-

(i) rendering licences as necessary for drivers of vehicles and fixing maximum rates of hire for these vehicles;
(ii) registration of births and deaths;
(iii) regulating the use of fire works;
(iv) licensing of hotels and lodging houses;
(v) regulating traffics.

Government control

Most of the provisions of the Act were flexible and give the government a wide power of determining their scope by orders. Taxes were also to be levied with the sanction of government. A copy of all regualtions was submitted to the Minister-in-charge(Home Minister) who might rescind a resolution as ultra-vires or as affecting public peace and order. The government was also empowered to remove a member from the Committee under certain circumstances, some of which (e.g.if his continuance in office was in the opinion of the govt. dangerous to public peace and order) were capable of being interpreted in any manner to serve the wishes of the government. In cases of incompetency, persistent default of duties and abuse of powers the government might suspend a committee. The power of making rules under the Act also enable the government to exercise considerable control over these bodies. Thus, government control was rather excessive.

The act made franchise much restricted and the elections were held on the basis of separate communal electrorates. The public took great interest in the electrions, which were sometimes very keenly contested. The Municipal taxes in the state were quite low as compared to those in British India. It was interesting to note that the annual expenditure of the Srinagar Committee was Rs. 4 lakhs and that of Jammu Committee Rs. 1.30 lakhs.[32] The Act enlarged the scope and powers of the Committes in many respects. A new procedure had been laid down for constituing municipalities, and altering units and excluding areas from minicipalites, and provisions had been made for giving opportunities to the inhabitants of those areas that were proposed to be included in or excluded from the municipal limits to submit their objections

within a specified time limit[33]. The Municipal Act of 1941 brought the municipalities of the state in line with those of the Punjab. But their functions were limited to the sanitation and improving the health of the inhabitants. Their activities were severely limited by the paucity of funds. They were not well equipped with skilled staff.

4.2 NOTIFIED AREA COMMITTEE

The local Self-government in the mofussil town started with the establishment of the first Notified Area Committee at Udhampur (Jammu province) in January, 1926 (Magh Savmat, 1993).[34] A year later (i.e.in April, 1927) another Notified Area Committee came into existence at Mirpur[35]. Later on two more Notified Area Committees of Sopore and Baramulla(Kashmir province) were added to the list in the year 1929-30.[36] Thus, before 1933 there were four Notified Area Committees in the State, two in each province. They failed for lack of funds and certain difficulties in the collection of taxes, they were, therefore, abolished.

4.3 THE TOWN AREA COMMITTEES OR TOWN AREA PANCHAYATS

The Town Area Act of Samvat 1996 i.e. 1939 A.D.was passed under which 24 town areas had been created. The local committees called the Town Areas Panchyats consisted of 50% elected and 50% nominated members, most of them being non-officials. They raised funds by local taxes. They also received contributions from the sanitation cess funds as long as arrangements for the collection of sufficient funds for sanitation were not made. The Town Area Act of samvet 1996 i.e. 1939 A.D.was modelled on the corresponding enactment of British India[37].

Consistitution of Town Area Panchyats[38]

The government might by notification declare any town or village or any area to be a Town Area and might also alter the limits of any such areas. A Town Area Committee or a Town Area Panchayat consisted of a Chairman appointed by the Government and

not less than 6 other members. Not more than half of the total members, excluding the Chairman, might be nominated, Only those who were entitled to a vote in the elections to the Committee might be elected as members, if they possessed some other qualification as well. The term of office for a member was four years. There was also a secretary appointed by the government and a Vice-Chairman was elected by and from amongst the members. The Committee had to meet at least once a month. The person in the Chair had a casting vote besides an ordinary vote.

Finances of the Committes[39]

Every such committee was to present its budget to the government once a year for favour of sanction. The Chairman had powers of appointment and dismissal of Servants of the Town Area, receiving less than Rs.25/- per month. Every Committee maintained a Town Area Fund to which were accredited:-

(i) The proceeds of taxes levied by the committee.
(ii) The fines imposed within the area for certain offences under this Act and certain other Acts.
(iii) All sums ordered by a court to be accredited to the Town Fund;
(iv) The price of the night soil;
(v) The rent of public property in case the rent was ordered by the government to be paid to the Town Fund, and
(vi) The government grants and private donation to the fund.

The Committee administered the Funds subject to rules made by the government. The Act also specified purposes on which the fund might be expended and provided that the government might order a Committee to execute any scheme for the welfare of the Area.

Subject to rules made by the government and the provisions of this Act a Committee might levy some specified taxes like a tax on annual value of lands and building to their income, octroi, water tax, light tax and other taxes sanctioned by the government. The approval of the wazir wazarat was necessary before any such tax might be levied.

Fuctions and duties[40]

The Town Area Committee might and must if the govt. so ord-

ered make certain sanitary arrangements within the area like the maintenance and regulation of burning and burial grounds, the restriction and regulations of dangerous and offensive trades, the repairing and removal of dangerous buildings, the regulation of the sale of eatables and the licensing of vehicles. The Committee also kept drinking water pure from infection, maintained supply or reserve of water, register of births and deaths, regulated the keeping of explosives, maintained the drainage system in order and to improve it, and performed certain other duties specified in the Act.

The government might by order enjoin the execution of any duty on a Town Area Panchyat.

Government Control[41]

The Wazir-Wazarat of the District in which a Town Area was situated could exercise certain power of supervision and control over the Town Area Committee. He might cancel any resolution or order of the Committee or any order of its Chairman, which was in his opinion ultra vires or detrimental to the public peace or harmful for the public or any individual. Such an order of the Wazir might, however, be modified or cancelled by the government. The power of the Committee to impose taxes was also exercised subject to the approval of the Wazir-Wazarat. The government, had also the power to give order to the Committee on a variety of subjects and also to vary the scope of Town Area Act by its rule making power. Finally in the case of a persistent default of duties on the part of the Committees, it might be suspended by the government and its power entrusted to the Wazir Wazarat till a new Committee was constituted.

As already pointed out that under this Act Town Area Committees were similar to those in the Punjab. They made good use of the powers entrusted to them and government did not interfere frequently in their work[42].

4.4 THE LOCAL ADMINISTRATION UNDER THE NEW KASHMIR PROGRAMME

The New Kashmir proposed "the organs of State power in Districts of the Tehsils, cities and villages, shall be the people's Panchayats.

The people's Panchayats direct the activities of the organs of administration subordinated to them, ensure the maintenance of state order, observance of laws and the protection of the rights of citizens, direct local economic and cultural development in fulfilment of the national plan, organise civil defence, and draw up the local budget.

The people's panchayats adopt decisions and issue orders within the limits of powers vested in them by law.

The executive and administrative organs of the people's Panchayats are the executive committee elected by them, composed of chairman, vice-chairman, secretary and members.

The executive committees of the people's Panchayats are directly responsible to the people's Panchayat which elected them and are also subject to the Council of Ministers of the State"[42a].

4.5 THE MUNICIPAL GOVERNMENT IN POST-INDEPENDENCE ERA

A good deal of development was noticed in the systematic organisation of Municipal government in post-independence period. The first step in this direction was the placing of Municipalities under the administrative control of the Minister of Health and Local Self-government[43]. Srinagar Municipality consisted of 18 members—11 elected and 7 nominated, while Jammu Municipality of 16 members-10 elected and 6 nominated,during 1949-50[44]. The sphere of these activities also enhanced by addition of maintenance of cattle grounds for stray animals, maintenance of reading rooms and maternity and child welfare centres[45].

A new enactment of the Jammu & Kashmir Municipal Act, 1951 (Svt. 2008), which repealed the Municipal Act No. XIII of 1941, was passed[46]. This Act provided for the appointment of an elected President and Vice-President amongst the Councillors to hold office for a term of four years. The government was empowered to appoint not more than four Councillors from amongst the backward classes and Commercial interests to the Municipal Council of Jammu and Srinagar, in addition to the eight elected members.[47] It was required to constitute the three committees-Finance, Health and Works and Building for efficient administration of various activities.[48] The government was also empowered to appoint the

executive officer of the Council to perform its executive functions.[49] All the staff of the council were subordinated to him. Moreover, the state government had the power to suspend any resolution of the Council which, in their opinion, was contrary to the orders passed by the government or was against the interests of the public. The government had the right to supersede any Council which, in their opinion, was making default in the performance of its duties or was abusing its power[50]. .

So far as their income, municipalities have been authorised to levy taxes, and raise funds by licence fees. Plan loans were also given to them for road—widening, housing, and welfare schemes[51]. There were no specific grants received by them from the government. Usually the grants related to the Plan Schemes which, too, were very meagre[52].

The Municipal Act of 1951 was partially amended in 1956 and the Municipalities were vested with large administrative and financial powers[53]. As a result the municipalities tried all efforts to extend all possible amenities to the people such as to maintain health, child welfare centres, vaccination, recreation centres, reading rooms, libraries etc. A system of holding Local Bodies Conferences, after every third year, to assess their working and achievements, started.[54]

The adequate funds were also provided to them, from time to time for carrying out various improvement works. In January, 1970 a Committee under Chairmanship of Sh. D.N. Mahajan with six other members was appointed to assess the financial requirements of urban local bodies and to recommend the measures to augment their income[55]. The Committee submitted its report in August 1972.[56] The following are some of the important recommendations:—

1. To bridge the gap between the needs and resources of urban Local Bodies, 25% of the amount obtained from entertainment tax and property tax be transferred to the local bodies. Moreover, 10% of the net receipts realised by the state government from the Motor Vehicle Tax also be transferred to them.
2. In order to enable them to render various civic services effectively and efficiently, grants—in—aid be provided by the state government.

3. The committee also recommended certain measures for improving the methods of collection of various taxes.
4. It recommended for the adoption of the standards for maintenance of civic services fixed by the committee of Ministers constituted by the Central Council of Local-Self-Govt. (Zakaria Committee).

Town Area Committee

Immediately after the establishment of popular government in the state a committee to examine the working of and of suggesting for the improvements of Town Area Committees was set up in 1949.[57] On its recommendations the Town Area Committees were made autonomous and representative in character and empowered to deal with sanitation problems. One of the most significant reforms introduced was the creation of functional constituencies such as those of shepherds and milkmen for election to these bodies.

A new Town Area Act was passed in 1954 (Svt. 2011)which repealed the J&K Town Area Act, 1940 (Svt. 1997) and widely enlarged their powers[58]. With certain amendments which were made in 1960, this Act is still in operation. The Council of Ministers on 12th oct. 1959, laid down the criteria for the establishment of Town Area Committee or a Notified Area Committee. The necessary pre-requisites should be that the population of the area must exceed ten thousand and its income exceeds Rs. 50,000/-. All other areas which do not fulfil these conditions were to be declared as Notified Area Committee[59].

Thus the following five towns were declared as Town Area Committee and the rest were converted into Notified Area Committee:

Kashmir Division

1. Town Area Committee Anantnag.
2. Town Area Committee Baramulla.
3. Town Area Committee Sopore.

Jammu Division

4. Town Area Committee Udhampur.
5. Town Area Committee, Kathua.

However, it is the policy of the government to establish a notified area Committee at all places which are either head quarters of Tehsil or Niabat or are places of Tourist interest. Its members are simply nominated[60].

Under this Act a Town Area Committee consists of elected members not less than 5 or more than 15, as may be prescribed by the State Government[61]. The govt. is also empowered to appoint one member from backward classes and to nominate not more than two persons having special knowledge or practical experience in respect of local self-govt.[62] The term of a Town Area Committee is four years.

The chairman is the executive head of the Committee who is either elected or nomianted by the govt. He is to preside at the meetings of the committee, to supervise the collection of the taxes and to supervise the work of the servants and employees of the committee. A Vice-Chairman is also elected from amongst the members of the Committee. A secretary and a medical Officer are also appointed by the Committee. The Director of Local Bodies, however, looks after the working of the Town Area Committee as well as of the Notified Area Committee.

As regards finances, the Act makes a provision for the levy of certain taxes with the previous sanction of the State Government[63].

Table: 4
Statement showing present position of the Urban Local Bodies in J & K

S.No.	Type of Urban local Body	1971-72[64] Numbers	1983[65] Numbers
1	Municipalities	3	3
2	Town Area Committees	5	5
3	Notified Area Committees	41	46

4.6 REFERENCES

1 *Report. Local Finance Enquiry Committee*, 1951. The Manager of Publication Delhi, p.1.

2. Mahaeshwari, Dr. Shriram: *Local Government in India.* New Delhi, 1971, p.6.
3. *Administration Report,* J & K Govt. Samvat, 1943-44 i.e.1877-1878A.D. p. 27.
4. *Ibid.,* 1889-90, p.137.
5. *Modern Jammu & Kashmir State,* 1925-42, Jammu 1942,p.41.
6. *Annual Administration Report* Samvat, 1995-96 i.e.1938-39A.D. p. 18.
7. *Ibid.,* Jammu, 1977, p. 28.
8. Misra, M.M. *Finances of Urban Local Bodies in J & K State* an (Unpublished) thesis submitted to Univ. of Jammu, 1977, p. 28.
9. *Administration Reports of J & K* J & K Govt. 1889-90, 1890-91, 1891-92 and 1992-93.
10. *Administration Report of J & K State,* 1898-99, p. 491.
11. *Modern Jammu & Kashmir*-1925-42. J & K Govt., 1942, p.41
12. *Ibid.*
13. *Ibid.*
14. *Administration Report of J & K state,* 1914-15, p.37.
15. *The J & K Municipal Regulations* 1913, Sec. 33.
16. *Ibid.* Sec. 39.
17. Misra, M.M. *Finances of Urban Local Bodies in the J & K State. op. cit.* p;. 33.
18. *Ibid.*
19. *Ibid.*
20. *Administration Report of J & K state*—1924-25, para 17.
21. *Ibid.*
22. *Modern Jammu & Kashmir State* 1925-43 Op. cit. p-17.
22a. *Administration Report of J & K State* 1924-25.
22b. Bhushan, Indu: *The Government and Administration in J & K* Thesis submitted to lucknow Univ. March, 6, 1982,p.112.
23. *Administration Report J & K State* (1931),p.3.
23a. *Ibid.*
24. Misra, M.M. *Finances, Urban Local Bodies in J & K op. cit.,* p. 35.
25. *Modern Jammu & Kashmir State* 1925-42, op. cit. p.47.
26. *Ibid,*
27. *J & K Municipal Act 1941, Clauses* 1 to 29.
28. Bhushan Indu: *The Government and Administration in J & K op. cit.* p. 113.
29. *J & K Municipal Act Clauses,* 39-52.
30. *Ibid,* Clauses 69 to 149.
31. *Ibid,* clause 150.
32. *Jammu & Kashmir in 1939-40.* J & K Govt., 1941, p. ix.
33. *Annual Administration Report for Samvat 1997-98 i.e.1940-41A.D.* pp 41-42.
34. *Administration Report of J & K State,* 1926-27, p. 28.
35. *Administration Report of J & K* Smt. 1984 i.e.1927A.D. p-28.
36. *Administration of J & K State* 1927-28to 1929-30 p. 49.
37. Bushan Indu: *The Government and Administration in Jammu and Kashmir op. cit.,* p. 117.
38. *The J & K Municipal Act of 1996 i.e.1939A.D.*Sections, 1 to 12.
39. *Ibid,* Section 12-39.
40. *Ibid.,* Sec. 40 to 42.
41. *Ibid.,* Sec. 43 to 55.
42. Bhushan, Indu. The Govt. and Administration in Jammu and Kashmir, op. cit., p.120.

42a. New Kashmir op.cit. pp.20-21
43. Administration Report of J & K State 1948-49.
44. *Ibid*, 1949-50 p. 86.
45. Misra, M.M. Finances of Urban local Bodies in Jammu and Kashmir, op. cit., p. 43.
46. The J & K Municipal Act. No. VIII of Svt. 2008 (1951 A.D.).
47. *Ibid*. Sec. 9
48. *Ibid*. Sec. 28.
49. *Ibid*. Sec. 49.
50. *Ibid*. Sec. 259.
51. Report of the Rural-Urban Relationship Committee govt. of India, New Delhi Vol. II, p. 41.
52. *Ibid*.
53. Administration Report of J & K State, 1955-56, p. 203.
54. *Ibid*.
55. J & K Govt. Order No. 176 of 1970 dt. 17.1.1970.
56. Misra, M.M. : Finances of urban Local Bodies in Jammu and Kashmir op. cit., pp. 47-48.
57. Misra, M.M. Finances of Urban Local Bodies in Jammu and Kashmir, op. cit., p. 48.
58. The J & K Town Area act, 1954 (Smt. 2011 i.e. 1954 A.D.)
59. *Ibid* Sec. 4 (b).
60. Administration Report of Jammu and Kashmir 1971-72, p.47.
61. *Ibid*. Sec. 4 (c).
62. J & K Council decision No. 1242 of 12.10.1959, file no. 71 (T)59 Health and Local Self Govt.
63. J & K Town Area Act, 1954 (Svt. 2011 i.e. 1954 A.D.), Sec. 25.
64. Misra, M.M. Finances of urban Local Bodies in Jammu and Kashmir, op. cit., p.53.
65. Singh, Nater. Problem of Municipal Administration with particular reference to J & K State. Unpublished thesis, University of Jammu, 1983, pp. 492-494.

THE VILLAGE PANCHAYATS

"...that the introduction of self-government in India should begin with the smaller units of administration..."
Montford Report

The Panchayats are intended to assist in the administration of civil and criminal justice and also to effect improvements in the sanitation and to look after other common concerns of the residents of the area within the jurisdiction of each panchayat. Besides they will train the villagers in discharging the functions of citizenship and make them fit for playing their part in the larger tasks of governing the state.

5.1 THE VILLAGE PANCHAYATS IN PRE-INDEPENDENCE ERA

However, with the establishment of panchayats in the villages in 1935[1] under the Jammu and Kashmir Village Panchayat Regulation No. 1 of Samvat 1992 i.e. 1935 A.D., began the history of panchayats in the state of Jammu & Kashmir. The village panchayats were to assist in the administration of civil and criminal justice and also to manage the sanitation and other common concerns of villages. But the panchayat department in the state was originally established in the year 1936 and reorganised several times, last in 1958 [2].

Constitution of the Panchayats[3]

The panchayat officer might constitute a panchayat for one

village or a number of villages in accordance with Rules made by the government. No municipal Area, Town Area or Cantonment could be included in Panchayat. He might include or exclude any area from the area of a panchayat constituted as above. The number of panchs in a panchayat was not less than 5 and not more than 11. A majority of the panchs must be elected. The qualifications prescribed for casting a vote for such an election were such that most of the adults in a village generally had the right to vote. There were some property and other qualifications as well which a voter must possess. One of them, for example, was the payment of land revenue Rs. 5/- or more. The rest of members were nominated by the panchayat officer. A panch held office for three years unless he was removed from his post earlier by the panchayat officer or till his successor was elected. The Sar-Panch (President of the panchayat) was nominated by the panchayat officer and presided over all the meetings when he was present. In his absence the other panchs elected one of them to take the chair. Persons over 21 years of age and not coming under any of the disqualifications specified (these were the usual disqualifications for election to local bodies)might become panchs. Any panch, who was in the opinion of the panchayat officer, guilty of misconduct or neglect of duty or whose continuance in office was, in the opinion of the officer mentioned above undesirable in the interest of the public or Panchayat, might be removed from office by the said officer. But the panch thus removed might file an appeal against such action before an authority appointed to hear such appeals. The government might suspend a panchayat for misconduct or neglect of duty. There must be a quorum of at least half the members in every meeting of the panchayat.

Judicial Functions of the Panchayats[4]

The panchayats were empowered to try suits for the recovery of movable property or cash (not resulting from a contract effecting rights over immovable property) and for the recovery of damages for misappropriation or wilful injury to property, provided that the value of the suit did not exceed Rs. 25/-. Certain classes of suits had, however, been excluded from their cognisance, irrespective of the value of the subject—matter of the suit.

The panchayat had also been empowered to take cognisance of certain minor offences under the Ranbir Penal Code, the Cattle

Tresspass Act of Smt. 1977 i.e 1920 A.D. and some other Acts. the maximum punishment which a panchayat could pass was a fine of ten rupees or the payment of twice the amount of actual damage suffered by the plaintiff, which-ever was greater.

But some Panchayats were specially empowered by the Governor of the Province in which they lie to try civil suit up to the value of Rs. 75/- and to exercise greater powers in the trying of offences.

No panchayat, however, could try a case which was being tried or had been tried by any court of law.

Under section 47 of the Act of samvat 1992 i.e. 1935 A.D.—The Panchayats had been given unlimited powers to allow compounding cases and deciding civil cases by the mutual agreement of the parties. A civil suit up to the value of Rs. 500/- might be tried by a Panchayat if the parties thereto agreed to abide by its decision.

The Panchayat Fund[5]

Every panchayat had a fund called the panchayat fund which was administered by the panchayat according to the rules made by the Government and was utilised for meeting necessary expenditure and charges. The following receipts and moneys were accredited to the panchayat fund:

(i) Income from taxes levied under S. 65 or S-65A of the Act (See below).
(ii) Sums received from the government or as private donations.
(iii) Fees of suits and cases.
(iv) Fines imposed or damages ordered by the panchayat.
(v) Some other receipts.

Under S-65 of the Act. a panchayat was empowered to levy with the previous sanctions of the Revenue Minister and once in any year a tax which was a simple fraction or a simple multiple or the Chowkidara cess from persons who pay the said cess in order to raise funds to perform any of its compulsory duties under the Act or a duty which it was ordered by the Government to perform.

Under S-65A, a panchayat could levy such taxes as it deemed necessary for the benefit of the village or villages under its jurisdiction, with the previous sanction of the government and subject to the rules made in that behalf. A resolution imposing such a tax

must be passed by at least half of total membership of the panchayat.

Non—Judicial Duties of Panchayats[6]

The compulsory duties of the panchayat included such functions as the construction, improvement and maintenance of bridges and roads and the disposal of drainage water and sewage, construction and maintenance of source of water and supply and also reservoirs of water, establishment and maintenance of burial and burning grounds, elementary education, cleaning of streets, provision of latrines, maintenance of public libraries and the maintenance of markets.

A panchayat might also discharge some other functions including the planting and preservation of plants, relief to the poor and sick, celebration of festivals, improvement of agriculture and agricultural stock, and maintenance of radio set. A panchayt might also establish and regualte the vehicle stands, slaughter houses and markets.

A joint committee of two or more panchayats might be constituted by the panchayat officer to secure mutual help and coopertion in the discharge of their functions and duties.

The Revenue Minister might order a panchayat to help any government official in the discharge of his duties in the area within the jurisdiction of that panchayat.

Subject to the rules made by the government in that behalf, a panchayat might make bye-laws for the conduct of business and for generally carrying out the purposes for which it was constituted.

Panchayat Officer and Government Control[7]

A panchayat officer or any person duly authorised by him might ask a panchayat to submit its record for examination. Under Sec. 70, a panchayat officer was empowered either on the motion of the panchayat or otherwise:

(i) to suspend the powers of trial of the panchayat in respect to any civil suit or criminal case:
(ii) to declare void any proceedings of a panchayat at any stage; and.
(iii) to cancel or modify any order or decree passed by a panchayat

The panchayat officer, thus, exercised extensive powers of control and supervision over the panchayats. The panchayat could impose taxes but only with the previous approval of the government. Besides the government might order a panchayat to perform any duty or might order it to cooperate with any government official in the discharge of his duties in the area under its jurisdiction. But there was only one panchayat officer for the whole state.[8]. The progress achieved in the initial stages was meagre. The panchayats besides deciding a few petty civil and criminal cases did practically nothing worthy of note.[9]. Since 1937 a great fillip had been given to the fucntion and functioning of panchayat by the creation of a separate department of Panchayat and Rural Development.[10] It comprehended all rural reconstruction activities within its sphere.[11].

The panchayats were not merely meant to decide petty cases (Civil and criminal) but also to function as village organisations to improve the physical, moral, social and cultural conditions of the village community. Besides dealing with petty cases both civil and criminal the panchayats devoted their energies to the work of rural reconstruction within their respective jurisdiction. Meetings were held at regular intervals and improvement schemes, formulated for bettering the condition of village, were submitted to the government for consideration and financial assistance.[12]- These bodies had shown considerable enthusiasm in cooperating with the government in the matter of execution of improvement schemes in rural areas. Besides providing free manual labour for construction of village roads and sinking of wells and şimilar work, cash contributions were also made by panchayats for uplift work, for which government had provided a lump-sum grant of Rs. 40,000/- in 1937-38 and Rs. 1,00,000 in 1938-39.[13] Contributions for purchase of community radio sets, for digging of wells, paving of village lanes construction of drains and linking of villages by fair weather road had been recieved from villages.[14].

In the domain of health and sanitation and anti epidemic work, panchayats, had shown specially good results. In a number of cases, cleanliness week had been celebrated and houses, compounds lanes, springs, wells etc. had been systematically cleaned. Latrines and bathrooms were constructed and manure-pits were dug in a number of villages.[15]

Carefully planned campaigns were also arranged in selected areas with a view to educating the ignorant masses about the causes and prevention of common diseases. The panchayats also took a prominent part in the distribution of better seeds and poultry to the Zamindars under the guidance of the Agriculture Department.[16]

The Panchyat and Rural Development also drew attention to the development of decaying village industries and programme for adult education. As an experimental measure, a school of shoe and boot manufacture in Meloi village in Mirpur district and a knitting and weaving centre for training of village ladies were started. An adult education campaign was conducted, in the first year, in 18 centres in Jammu province. Village Panchayats provided free accommodation and lighting facilities for adult schools. Magic lanten lectures and cinema shows on uplift topics were given to the village audience. A propaganda Van fitted with public address arrangements had also been purchased in 1939 and travelled over 1200 miles in about three months time entertaining the public from village to village and talked on uplift subjects. Departmental shows were arranged at village fairs and gave a demonstrtion of its activities at the last annual exhibition at Srinagar in 1939. [17]

About 180 village panchayats with jurisdiction extending to about 1400 villages had been established uptil 1939. The panchayats had created a sense of corporateness in the villages and reduced the cost of litigation among them [18].

Village libraries had also been established at a number of places and to keep villages abreast with the time, the department was circulating a monthly magazine in Urdu called "Dehati Duniya. [19].

The Department had also built tanks and made other arrangements for water in the Kandi illaqua of Jammu province. In Kashmir it made convenient water arrangements at places which depended on river water and were likely to suffer from infection which was dangerous at the time of epidemics. 20.

In the 1939-40 year the Panchayats prepared 1,500 ft. of drain; cleared 550 springs, tanks, wells and ponds and constructed 60 miles of fair weather road. As many as 110 Panchayats had provided first aid and other medical aid to people. The government had also introduced in Praja Sabha a comprehensive Bill (The Village Panchayat Amendment Act S. 1998 i.e.1941A.D.) to invest

selected panchayats with enhanced civil and criminal powers and extended the sphere of activities of all panchayats and empowered them to levy certain taxes and tolls for financing village uplift schemes. [21]

There were 192 Panchayats in the state in 1939-40. Great interest was taken by villagers in their elections. 180 seats, which fell vacant in Svt. 1996-97 (1939-40), were contested by as many as 1629 candidates and about 60% of the voters exercised their vote. [22]

The panchayats had further reduced the cost of litigation. During Svt. 1996-97 i.e. 1939-40 A.D.the total value of the cases that came before the panchayats was nearly 2 lakhs of rupees. The number of revision applications filed under sec. 70 was 196 i.e., 14% of the total cases decided. 88 cases were referred to the Head Office by the panchayats themselves for decisions regarding points of law. [23] The panchayats had provided such amenities as Radio sets, Gramophones, and public libraries even in remote villages. The decaying village industries had been considerably helped by them.[24]

In order to improve the sanitation of the villages, a cleanliness week was generally celebrated by every Panchayat and during that week the village and its surroundings were systematically cleaned to make the village alive to the need of cleanliness. Health and Sanitation campaigns in the Kashmir province and the anti-malaria compaigns in the Jammu province owed their success to the help rendered by the panchayats in their execution [25].

5.2 SANITATION CESS BOARD

Mention may also be made of the sanitation cess board which consisted of the Revenue Minister as Chairman and some other official members. The Board used to administer the sanitation cess Fund from which schemes for local improvement (usually initiated by Village Area Committees [26]Under the Presidentship of local Tehsildar) were financed. The board had done a lot to improve the arrangements for the supply of drinking water in rural areas.

It will be observed that centralisation was the chief feature of the whole system of local and municipal government in the state. In the hierarchy of officials incharge of local administration all

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powers converged upwards. Like the Municipal Committees and the Town Area committees, the village panchayats were also subjected to the extensive governmental control [27]

To remedy these defects was passed the village panchayat (Amendment) Act of Svt. 1998 i.e. 1941A.D. during 1940-41. The number of panchayats had, thus, gone steadily increasing. The number of cases initiated in the panchayat courts during the year 1941-42 was 52,500 while their income in 1942 was Rs. 13,181/-and their expenditure was Rs. 10,634/-[29]

According to the Act of 1941, a panchayat consisted of partly elected and partly nominated membership. A panchayat could take corgnisance of a suit, the total value of which did not exceed Rs. 500/-. It has at its disposal a panchayat fund which was administered by it, subject to the rules made by government and to which were credited penalties and fines realised under the Village Sanitation Act within the area of panchayat, sanitation cess levied on the revenue paying lands situated within the circle of the panchayat, income from or sale proceeds of property vested in the panchayat and fines and fees levied by the panchayat itself.[30] Its functions were also increased so as to enable it to execute certain works of improvement of communication, water supply and sanitation. It was also charged with the duty of making, subject to the limitation of its finances, arrangement for carrying out elementary education, maintenance of markets, public libraries, and reading rooms, and control and management of cattle ponds. A panchayat was also charged with certain administrative duties e.g. promotion and encouragement of cottage industries, the extension of village sites and regulation of buildings, the protection of village from fire and flood, from wild animals and other unforeseen calamities, medical relief, veterinary relief, lighting of public ways and lanes etc.[31]

Though the list of duties and functions of the village panchayat was very comprehensive and impressive, yet most of these functions had remained in abeyance, generally for no fault of the panchayats themselves.[32].

In second half of Svt. 1998 i.e. 1941 A.D. to Svt. 1999 i.e.1942A.D. the panchayats (in Kashmir province) undertook the most onerous task of purchasing 'shali' on the 'Khush-kherid' system[33] which brought them into open conflict with grain dealers. The total number of villages brought under the jurisdiction of village pan-

chayats at the close of Svt. 1999 i.e.1942A.D. was 4,714 and the total number of panchayats was 4,375.[34] The number of cases instituted in panchayat courts was 18,501 (5,532 criminal and 12,969 civil). The 13,630 cases (4,640 criminal and 8,990 civil) were disposed of. The total value of all suits that came up before the panchayat courts was Rs. 2,20,388 during the second half of svt. 1998 i.e.1941A.D. and Rs. 6,00,000 during svt. 1999 i.e.1942A.D. Most of the cases were decided by compromise between the parties.[35]

The number of revision applications filed against the decision of the panchayat courts was 266 during the second half of svt. 1998 i.e. 1941 A.D. and 1,154 in Svt. 1999 i.e. 1942 A.D. of the former all were disposed of finally, and of the latter 587 were decided.[36]

In order to provide employment in winter to villagers from Kashmir who used to migrate to the plains after every summer in search of occupation, government called upon the panchayat department to prepare a preliminary survey of the villages from which the migration generally took place. The information was collected within a period of a month and a half,and provided valuable data for the committee appointed by the government to suggest reducing of migration.[37]

The total funds of the panchayats at the close of the second half of Svt. 1998 i.e.1941A.D. amounted to Rs. 13,492 and expenditure to Rs. 5,656. In Svt. 1999 i.e.1942A.D. the receipts including the opening cash balance amounted to Rs. 21,017 and expenditure amounted to Rs. 10,634.[38]

A panchayat conference was also held in svt. 1999 i.e.1942 A.D. at Kulgam to focus attention on the sailent features of the SHALI scheme. The conference was attended by 600 delegates.[39]

Morever, the panchayats in both the provinces continued to encourage cottage industries by organising lectures to the artisans.[40]

During Svt. 2000 (i.e., 1943-1944) 61 new panchayats (35 in Kashmir province and 26 in Jammu province) were established.[41] The total number of panchayats thus stood at 868 & the total number of villages brought under the jurisdiction of village panchayats was thus, 4,761.[42] The number of cases instituted in panchayat courts raised to 70,996—50,464 civil and 20,532 criminal. Of these 61,896 cases—42,616 civil and 19,280 criminal were decided. The number of applications for execution of decrees was 18,652 of which 16,320 were disposed of. Against an average cost

of Rs. 12/8-per suit in a Court of Law, the village had to spend only about a rupee per suit in the panchayat courts.[43]

The most conspicuous activity of the panchayats during the period was the creation of food reserves in Kashmir province to meet the exigencies of food shortage in rural areas. The reserve created was approximately 60,000 khirwars (1,30,000 maunds of paddy and maize). As many as 25,000 families in 2000 villages were served with these reserves.[44]

Moreover, with the control of certain commodities such as sugar, salt and cloth, useful data was collected by the panchayats for the regulation of supplies.[45]

During Svt. 2000 (i.e. from 13th April, 1944 to 12th April 1945) 26 new panchayats were started. Thus raising their number to 712. The number of villages served by the panchayats was 4,839.[46] Their judicial work also increased and the number of cases instituted in panchayat courts was raised to 72,896—51,264 civil and 21,632 criminal. Out of these 64,860 cases—4,463 civil and 20,230 criminal were decided. The number of applciations for execution of decrees was 25,480 of which 22,360 were disposed of.[47]

Some panchayats were entrusted with the responsibilities of selling of controlled commodities such as sugar, salt etc. and they did this work satisfactorily.[48]

The receipts of all panchayats including opening balance amounted to Rs. 38,141 with Rs. 23,730 as their expenditure.[49]

Similarly, eight more panchayats covering 44 villages were established in S-2002 i.e.1945 A.D. This raised the number of panchayat to 720 and 4,883 villages served by them.[50] Their judicial work also increased. The number of cases instituted in panchayat courts was 85,896—62,264 civil and 23,632 criminal. Out of those 76,586 cases, 793 civil and 19,793 criminal were decided. The number of applications for execution of decrees was 26,793 of which 23,987 were disposed of.[51]

The Panchayats also executed a number of local public utility works. Their receipts, including the open balance raised to Rs. 42,204 and their expenditure Rs. 26,650.[52]

5.3 THE PANCHAYATS IN POST— INDEPENDENCE ERA

A total of 631 panchayats in both the provinces of J&K were in

existence excluding the area occupied by the enemy. However, during the year Samvat 2005 (i.e. 13th April, 1948—12th April, 1949).. The Department of Panchayats and Rural Development intensified its activities in regard to rural uplift works such as improving the irrigational arrangement; providing safe—guards against flood devastation; dewatering the area which remained submerged under water; bringing waste land under cultivation and introducing new variety of seeds.[53]

The Services of panchayat bodies were utilized in the accomplishment of the works of material benefit and value. They organised labour on 'Halla Sheri' basis for the desilting Revenue Irrigation Kuhls; raising of bunds of river Jhelum and its tributaries and other nallas; draining out stagnant water from lower land areas of larger expansion which had long remained waste lands owing to the submerged state and also impeded communication.[54]

During the year under report Kashmir province was affected by several floods and they were severe in the month of July 1948. Panchayats at once came to the resecue of the flood—sufferers, assessed the damaged caused by the floods and provided relief to the flood affected areas.[55]

With a view to purifying the panchayat bodies of all the existing evils and other shortcomings, wholescale elections were held thereby replacing the old and stereotype sets of panchayats by healthy ones representing the rural population. To start with much could not be done in this direction due to the engagement of the staff in the refugee and rehabilitation work., yet of 631 panchayats 161 were re-elected and 34 new panchayats were set up. The dominance of the panchayats by the exploiting classes, such as Zaildars, lamberdars, money-lenders and grain dealers was totally discouraged in the newly established and re-elected panchayats. Moreover, the areas that were not covered by the panchayats were also brought under them.[56] The following table will show the tehsil-wise, number of panchyats selected and new panchayats constituted by the end of the year S-2005[57] i.e. 1948 as shown in table 5

However, Panchayats were especially directed to devote more time to rural uplift works and to bring about economic rehabilitation of the people.[58]

Morever Panchayat Conferences[59] were also organised to educate the public opinion regarding the new programme of village

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Table: 5

Province	Name of tehsil	No. of panchayats at the beginning of S-2005i.e 1948A.D.	No. of panchayat at the end of S-2005i.e 1948A.D	Re-election held in S-2005i.e 1948A.D	New panchayats in S-2005i.e 1948A.D.
1	2	3	4	5	6
Kashmir	Anantnag	43	52	35	9
	Kulgam	66	74	35	8
	Pulwama	40	42	29	2
	Khas	23	28	10	-
	Baramulal	47	·47	-	-
	Badgam	47	48	19	1
Jammu	Jammu	25	25	8	-
	Samba	16	16	7	-
	Akhnoor	10	10	-	-
	Kathua	11	15	11	4
	Jashnurgarh	10	13	6	3
	Basohli	19	20	9	1
	Udhampur	13	18	7	5
	Kishtwar	15	15	-	-
	Ramban	14	14	-	-
	Bhadarwah	28	28	2	-
	Ramnagar	13	13	-	-
	Reasi	25	25	-	-
	Rajouri	14	14	-	-

panchayats. In the conferences comprehensive instructions were given to the panchayat officials about the work they were expected to do to improve socio-economic and hygienic conditions of the masses.[60]

To ensure better administration and more effective control over the organization, a bifurcation scheme was sanctioned towards the close of the year Samvat-2007 i.e.1950 A.D.[61] This gave an exclusive panchayat officer to Jammu province. Moreover, the organisation, which had continued for the last fourteen years on a purely

temporary basis, was given permanent footing. The scales of emoluments of the staff were raised suitably under the better conditions of service in S-2007 i.e.1950A.D. Thus evovling in them a healthier outlook and incentive for zealous work. The Panchayat Act was also amended to suit the then requirements.[62] Reconstitution of the panchayats was also started with a view to enabling a panchayat to reach patwar Halqua. Thus while the demand for panchayat in some area was met and the actual number of panchayats also fell from 697 at the beginning of the year S-2007 i.e.1950A.D. to 672 at its close[63] By adopting the principle of having a panchayat in every patwar halaqua, it was expected to run a network of panchayats throughout the length and breadth of the state.[64] With the transfer of rural irrigation to the control of the panchayat department, sphere of its activities was considerably enlarged.[65]

The following Table[66] will give an idea of the number of panchayats and the work done by each during the year S-2007 i.e.1950A.D.

Table: 6

Name of Tehsil	No. of Panchayats created in S-2007 i.e. 1950A.D	No. of panchayats at the end of S-2007 i.e. 1950A.D.	Re-elections held during 1950A.D.	Criminal cases decided S-2007i.e S-2007i.e 1950A.D	Misllaneous cases decided in S-2007 i.e. 1950A.D.
1	2	3	4	5	6
Jammu	10	35	15	105	20
Samba	11	26	17	78	-
Akhnoor	6	15	8	45	-
Kathua	5	21	9	63	5
Jasmergarh	1	15	5	45	1
Basohli	6	33	9	90	20
Ranbir Singh Pura	11	31	15	99	10
Udhampur	7	20	2	34	59
Ramnagar	1	19	10	85	114
Ramban	-	18	1	5	227
Reasi	-	39	2	147	111

1	2	3	4	5	6
Rajouri	-	12	-	-	-
Bhadarwah	1	32	5	201	171
Kishtwar	-	18	-	9	7
Kulgam	-66	26	320	462	
Anantnag	9	56	7	270	382
Pulwama	3	40	14	204	280
Baramulla	4	39	15	825	200
Handwara	4	33	8	200	200
Sopore	3	31	19	25	82
Badgam	10	44	5	332	42
Khas	7	31	6	325	105
Total	91	672	198	3,787	3,052

These panchayats also contributed in a large measure to the constructional work for the benefit of the villages.[67] But it was not able to make the panchayats the focal points of village life as the line of approach did not undergo any material change as compared with what it used to be before the establishment of popular government. The Panchayat Act enforced was restricted in scope to meet the requirements of rural uplift. The act was, therefore, revised in 1952.[68] The main features of the revised Act were:

1. Delegation of Municipal functions to panchayats;
2. Introduction of Tehsil Panchayat Boards;
3. Provision of peoples' judicial committees at tehsil level for deciding appeals against judicial funds of the Panchayat.
4. Establishment of joint committees to promote mutual help and cooperation in the discharge of their duties.
5. Vesting management of plantations, minor kuhls, roads etc. in the local panchayats;
6. Directing of energy to community welfare.

The Act, however, remained inoperative. Neither delegation of powers or definition of authorities was made nor were any rules framed under the Act. As a result of this policy, though physical targets were achieved in some cases by resort to 'Hallasheri' system of work or (forced labour) the sense of community interest was altogether lacking. The results produced by such forced labour thus

did not very much help the villager economically. Hundreds of miles of jeepable roads constructed did not in any way help the inflow or outflow of commodities to the villages.[69] Moreover, inspite of huge additional expenditure incurred to improve the provision of water in the Kandi area of Jammu, the waterless tracts of Kandi continued to be as before.[70]

The whole concept of the execution of development programme of the Rural Panchayat Department was authoritarian. The authority at the top decided upon the type of improvement for a particular area and imposed it upon the people. All this resulted in the people getting more and more apathetic towards any scheme of betterment.[71]

The new government which was formed after 9th August, 1953 brought about many changes in its working and implementation of new schemes. For instance, it was decided not to sink any wells in upper kandi but instead to arrange ponds and tanks in the area. Water to be carried to some areas even by trucks as the cost on these would not be as heavy as on sinking of wells. In order to ascertain the desire of the people with regard to the improvement in rural areas and to associate them with the planning and execution thereof, conferences were convened from time to time of representatives of the people, panchayats, coopertives, prominent of political workers and other interested people at central place in each tehsil. The rights and duties of the villagers and his representatives were also discussed.[72]

As a result, the panchayat department had been able to execute works to the tune of Rs. 5,00,000 up till August, 1954. Besides, as many as 1,41,000 trees had been planted and grass under various plantations was made available to peasants free of cost.[73]

During the fiscal year 1954-55, the department had planned to execute similar works to the tune of Rs. 14,00,000/-[74]

During the year 1955-56, panchayats had been revitalised and their activities covered almost all aspects of the rural life.[75] The work relating to the administration of Panchayat and enforcement of the panchayat Act was a part of the assignment of the Rural Development Department and the Department of Community Project and National Extension Service.[76] The following table will give an idea of panchayat organisation in the state and the services rendered by them:—

Table: 7

Panchayat Organisation in Kashmir Province

1	No of panchayats in the valley	373
2	No of cases instituted	9,310
3	No of cases decided	7,672
4	Public meetings held	105
5	Cleanliness campaigns held	179
6	No. of nurseries built	3
7	No. of trees planted	87,360
8	No. of manure pits dug	890
9	Roads constructed	82 1/2 miles
10	Roads repaird	271 miles
11	Irrigation disputes settled	187
12	Khuls constructed	8 1/2 miles
13	Khuls repaired and desilted	251
14	Wells constructed	19
15	Wells repaired	22
16	Bowlies constructed	5
17	Bowlies repaired	3
18	Springs constructed	5
19	Springs repaired	134
20	Bridges constructed	24
21	Bridges repaired	34
22	Culverts constructed	296
23	Culverts repaired	259
24	Flumes constructed	21
25	Flumes repaired	29
26	Rural latrines constructed	259
27	Rural bathrooms constructed	203

1	Value of works taken up for execution	Rs.6,73,436/3
2	Values of people's contribution	Rs.1,73,724/7
3	Amount Spent for construction and development activities	Rs.7,57,796/6

Panchayat Organisation Jammu Province[78]

1	No. of panchayats	386

2	No. of Cases decided	1,580
3	Pony road constructed	38 miles
4	Village paths constructed	387 miles
5	Ponds constructed	52
6	Khuls constructed	69
7	Wells sconstructed	136
8	Village schools	58
9	Village Bowilies and springs cleaned	44
10	Bridges constructed	11
11	Culverts constructed	14
12	Fruit trees planted	5,504
13	Other trees planted	24,755
14	Water supplied to Kandi illaquas	72,01,000 gallons
15	Construction of Kandi water supply	Rs.72,441/12

The Jammu and Kashmir was brought under the purview of the Community Development Programme in the year 1956 in conformity with the all India pattern.[79] The whole state was divided into 53 blocks. Panchayats were, therefore, established throughout the state and were made effective spear-heads for the planning and execution of the Community Development Programme. The jurisdiction of each panchayat was co-terminus with that of a Revenue Patwar Halqua, serving 5 to 6 villages with a population of 2 to 3 thousand.[80] Generally one village level worker is allotted to each panchayat. Block funds were distributed among the panchayats for carrying out programme of works within the area of their jurisdiction.

With the association of the village level workers of the panchayats, the panchayats were then able to obtain the technical knowhow more expeditiously. On the other hand the village level workers had at their disposal an organised and representative body of the people of the area through whom he could get the programme implemented.

In order to make the panchayats an effective organ in the implementation of the Community Development Porgramme, the panchayat Act Svt. 2008 i.e.1951A.D. had been revised in 1958.[81] Thus the J & K village Panchayat Act No. XXIII of 1958 came into force with effect from 1st April 1958.[82] However under this Act the

association of the panchayats with the Community Development Programme has been assured. Block Panchayat Boards had beer provided at the block level. To enable the panchayats to concentrate more on the development of rural areas judicial functions had been assigned to panchayat Adalats.[83] Veterinary First Aid Kits were also provided to the Panchayats.[84]

The entire procedure of allocation of funds had undergone a change. All panchayats then prepared their programme of work on the basis of their needs; placed these before the Block Advisory Committee which discussed and after approval incorporated these into one Block Plan. The Block Plans got examined for their technical and financial feasibility and funds were allocated with in the ceiling available ranging from Rs. 50,000 to Rs. 1 lakh per block depending on the number of units and the special requirements of each [85]

Thus planning and execution of the plans had been entrusted to the village community with the Department providing the necessary finance, technical guidance and administration supervision.

The J & K Village Panchayat Act No. 1958 (Act No. XXIII of 1958) is still in operation. But a few amendments in its sections were made in 1966; 1968 and last in 1973 vide Act XXI of 1966. [86]Act XV of 1968[87] Act XXIV of 1983 [88]respectively. At present there are 689 panchayats in Jammu province and 1,318 in Kashmir province.[89]

5.4 REFERENCES

1. Annual Administration Report of J & K State Samvat 1995-96 (17th Oct. 1938 to October 1939) J & K 1940, p. 50.
2. Jammu & Kashmir August 1953 to August, 1954.The Directorate of Information and Broadcasting J & K 1954, p. 20.
3. The J & K Village Panchayat Regulation No. 1 of Samvat 1992 i.e.1935A.D. H.H. Govt. 1935.
4. The J & K Village Panchayat Regulation No. 1 of smt. 1992 i.e.1935A.D. as ammended, sections 1 to 64.
5. The J & K Village Panchayat Act. No-1 of smt. 1992 i.e.1935A.D. as amended, S-63 to s-65(c).
6. The J & K Vilalge Panchayat Act No-1 of Smt. 1992 i.e.1935A.D. as amended S-66 to S-67A.
7. The J & K Village Panchayat Act No-1 of smt. 1992 i.e.1935A.D. as amended S-69 to S-73.

8. Bhushan, Indu: The Government and Administrative in Jammu and Kashmir State, op. cit., p. 126.
9. *Sir Ganga Ram's Report—State Administration*. Jammu Archives p. 217.
10. *Modern, Jammu & Kasmir State 1925-43* Jammu, 1944, p.14.
11. *Annual Administration Report J & K State* from Smt. 1994-95. (15th oct. 1931 to 16th oct. 1938), p.7.
12. Annual Administration Report J & K State Smt. 1995-96 (17th ed. 1938 to 17th Oct. 1939) J & K Govt. 1940, p. 50.
13. *Modern Jammu & Kashmir State, 1925-43, op. cit.*, p.14.
14. *Annual administration report of J & K State. Svt. 1995-96 (17th Oct. 1938 to 17th Oct. 1939) J & K Govt. 1940 p.50.*
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. *Ibid.*
21. *Administration Report of J & K Smt. 1996-97*, i.e., 1939-40 p.v.
22. *Annual Administration Report of J & K Smt. 1996-97* (1939-40AD)p. 104.
23. *Ibid.* p. 82.
24. Bhushan Indu: *The Govt. and Administration in Jammu and Kashmir, op. cit.*, p. 128.
25. *Ibid.*
26. *Annual Administration Report of J & K for smt. 1996-97* (i.e., 1939-40). p.90. There were 65 village area committees in the year.
27. Bhushan Indu: *The Government and administration of J & K op. cit.*, p.129.
28. *Annual Administration Report Smt. 1997-98*, i.e. 16th Oct. 1940 to 15th Oct. 1941 J & K 1941, p. iv.
29. Sir Ganga Ram Report of 1942—State Administration, op. cit pp. 217-218.
30. *Ibid.*
31. *Ibid.*
32. *Ibid,*
33. *Annual Administration Report of the J & K State* From Second half of S. 1998 to S. 1999 (i.e., months from 16th Oct. 1941 to 12th April, 1943) Jammu 1955, p. 82.
34. *Ibid.*
35. *Ibid.*
36. *Ibid.*
37. *Ibid.*
38. *Ibid.*
39. *Ibid.*p. 84.
40. *Ibid.*
41. *Administration Report of the J & K State for Smt. 2000* (i.e., 13th April, 1943 to 12th April, 1944), Jammu 1945 pp. 20-22.
42. *Ibid.*
43. *Ibid.*
44. *Ibid.*
45. *Ibid.*

20

46. Administration Report of the J & K State for Samvat 2001 (i.e. 13th April, 1944 to 12th april 1945) Jammu, 1946 pp. 20-21.
47. *Ibid.*
48. *Ibid.*
49. *Ibid.*
50. Administration Report of the J & K State for S-2002 (13th April 1945 to 12th April, 1946) Jammu 1947, pp. 20-21.
51. *Ibid.*
52. *Ibid.*
53. Administration Report of the Jammu & Kashmir State for S-2005 (i.e. 13th April 1948-12th April 1949): pp.60-61
54. *Ibid.*
55. *Ibid.*
56. *Ibid.*
57. This table adopted from administration report on the Jammu & Kashmir for S-2005 (i.e. 13th April, 1948-12th April, 1949), p. 61.
58. *Ibid.*
59. *Ibid.* (One Conference was held at Achhabal in Anantnag Tehsil and the other at Kashedera in Kulgam Tehsil.
60. *Ibid.*
61. *Administration Report of the J & K State for S-2007* i.e.1950A.D. Jammu 2010, pp. 103-105.
62. *Ibid.*
63. *Ibid.*
64. *Ibid.*
65. *Jammu and kashmir August 53 - August 53*. The Directorate of Information and Broadcasting J & K 1954, p. 20.
66. This table has been adopted from administration report of J & K state for S-2007 9i.e. 13th April 1950 to 19th April 1951) Jammu S-2010 p. 105.
67. *Ibid.*
68. *Jammu & Kashmir August 53 - August 54, op.cit.*, p. 21.
69. *Ibid*, p.21
70. *Ibid.*
71. *Ibid.*
72. *Ibid.*
73. *Ibid* 0.23.
74. *Ibid.*
75. *Jammu & Kashmir-A Review of Progress*. Lala Rukh Publication, Srinagar January, 1956p.7.
76. Administration Report of J & K for the year S-2012 (i.e., 1st April 1955-31st April, 1956), Jammu 1957, p. 68.
77. Table adopted from administration report of J & K for the year S-2012 i.e.1955A.D. pp. 68-69.
78. *Ibid* p.70.
79. Jammu & Kashmir-A review of progress Department of Information, J & K govt, Jammu 1961, p. 17.
80. *Ibid.*
81. *Ibid.*, p.18.

82. The J & K
83. *Ibid.*
84. *Ibid.*
85. *Ibid.*, p. 19.
86. The J & K
87. *Ibid*, p.9.
88. *Ibid* pp.,10,
89. The Inform

82. The J & K Kashmir Village Panchayat Act, 1958, p. 6.
83. *Ibid.*
84. *Ibid.*
85. *Ibid.*, p. 19.
86. The J & K Village Panchayat Act 1958 (Act. No. XIII of 1958). p. 47.
87. *Ibid*, p.9.
88. *Ibid* pp.,10,24,28.
89. The Information given by Director Rural Development J & K Govt., Jammu.

The Formation of the All Jammu And Kashmir plebiscite Front And its Politics

THE POLITICS OF PLEBISCITE FRONT

The motivational variations arising out of varied political considerations and failure of the Centre-State leadership at various levels to reconcile the various claims and aspirations led to the Constitutional crisis of August 1953.[1] As a result the first popularly elected Ministry of Sheikh Abdullas was dismissed. He and his prominent supporter Mr. M.A. Beg and few others were arrested under the Public Security Act.[2] and Bakshi Ghulam Mohd took over as the new premir of the state. All this termed as an attack on the sub-nationalism of Kashmir by the Indian government[3] and murder of democracy in Kashmir. It, therefore, evoked a violent reaction in the valley in which about ten thousand persons including one hundred women were also arrested.[4] The movement though was crushed by the new regime yet it caused feelings of hatred against India.

Mr. M.A. Beg, who was later on released from detention in November 1954 because of ill health,[5] however, conceived an idea for floating a new party, not only to meet the new challenge against Kashmirs' right of self-determination but also to mobilise public opinion against Bakshi government. Thus, M.A. Beg, alongwith six sitting members of the state legistature and one member of Parliament from the State left the All J&K National Conference and founded the All J&K Plebicite Front on August 9, 1955 i.e. two years after the crisis of August 1953.[6] On the same day a special session of

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the party was convened in the lawns of the residential house of Khwaja Ali Shah, which was x attended by thousands supporters of the party and Mr. Beg and Mr. G.H. Hamdani were unanimuously elected as President and the Secretary of the party respectively.7 An Executive Committee consisted of sixteen members was also elected.

~~Its Executive Committee.~~ The following were the members elected to the Executive Committee:8

1) Mirza Mohammad Afzal Beg (President);
2) Sofi Mohammad Akbar (Vice-President);
3) Kh. Abdul Gani Gooni(Vice-President);
4) Kh. Mohi-ud-Din Hamadani (General Secretary);
5) Kh. Sadar-ud-Din Mujahid (Secretary);
6) Kh. Ghulam Rasool Kochak (Secretary);
7) Haji Mohammad Ishaq (Treasurer);
8) Kh. Ali Shah, Srinagar (Member);
9) Sheikh Mohammad Mansoor, Kulgam (Member);
10) Mohammad Subhan Bhatt, Pulwama (Member);
11) Pir Mohammad Afzal Makdoomi, Srinagar (Member);
12) Hakim Habib-Ullah, Sopore (Member);
13) Ghulam Nabi Wani, Budgam (Member);
14) Pir Mohammad Maqbool Yelgami, (Member);
15) Ghulam Qadir Hawabaz, Baramulla (Member); and
16) Ghulam Mohammad Dar, Banihal (Member)

Soon after the formation of the Executive Committee, the elections of the district and Tehsil committees were held9.

While declaring that " No power on the Earth can deprive the people of Kashmir the right of Self-determination",[10] Mr. M.A. Beg read out the manifesto of the party which was signed by M.A. Beg; Sofi Mohd Akbar (M.P.); Hakim Habib-Ullah (MLA); Ghulam Mohi-ud-Din (MLA); Mirza Ghulam Mohd. Beg (MLA); Peer Mohd Maqbool Yelgeni (Ex. MLA); Syed Alaudin Gillani (MLA); Ghulam Nabi Wani (MLA); Malik Ghulam Hussain (Ex. MLA); Sadar-Ud-Dim Mujahid (Editor Khalid); Haji Mohammad Ishaq (Vice-Chairman, All India Shia Conference); and Kh. Abdul Gani Gooni (MLA).[11]

The Plebicite Front also said to have the blessings of Sheikh Mohd Abdullah. Although he never formly joined the party, yet it help the party to become a popular organisation in Kashmir.[12] As the time passed on it became the most effective and influential party in the valley as well as in Muslim belt of Jammu region.[13] In view of its popularity the party was banned in the biginning, but subsequently the ban was lifted.[14]

The next party convention was convened at Islamabad on September 10, 1955 in which Mr. M.A. Beg - the President of the party issued the policy statement. On 6th October 1955 the Front convened a two - day Convention at Sopore which was attended by thousand of people and confirmed Mr. Beg's statement of 10th September 1955.[15]

~~1955 was reconfirmed in the convention.~~ ~~The statement~~ contained:

"The Plebiscite Front is sure that the world opinion cannot be misled for long. Those people who love freedom and democracy and struggle for human rights will stand by us and give moral support to four hundred thousand people of Kashmir in the attainment for their objectives. The only crime of Kashmiris is that they demand the right to express their opinion. Since their beloved leader has been in prison for three years without any trial, the Sheikh's release is a must, because in this period of darkness marked by troubles, and afflictions, hardships and oppression; tyranny and despotism, he is the only hope of light for them. It is the selfless sacrifices of the Sheikh which aspired the people with valour, courage and determination to fight their enemy without any fear. The statement added that the conditions in the State had been so crucially created for the votaries of the Plebiscite Front that it almost became criminal for them to raise any voice against the oppression exercised by the Government. Even then the people were determined to face the hardships with full strength and march forward to their destination."

~~Personalities:~~ Basically, the Plebiscite Front was organised by Mirza Mohammad Afzal Beg when Sheikh Mohammad Abdullah was in prison. The Front was organised, however, by experienced politicians who had a remarkable role and record of their political life during the freedom struggle in the State. The important personalities involved in

Plebiscite Front politics were Mirza Mohammad Afzal
g, Sofi Mohammad Akbar of Sopore, Kh. Abdul Gani Gooni,
h. Mohi-ud-Din Hamadani, Kh. Ghulam Rasool Kochak,
Haji Mohammad Ishaq, Kh. Ali Shah, Shikh Mohammad Mansoor,
Mohammad Subhan Bhatt, Pir Mohammad Afzal Makdoomi,
Habibullah Hakim, Sopore, Ghulam Nabi Wani, Pir Maqbool
Yelgami, Handwara, Ghulam Qadir Hawabaz, Ghulam Mohammad
Dar, Bannihal, Mirza Ghulam Mohammad Beg, Ghulam Nabi
Kochak, Doctor Abdul Majid (Islamabad), Pir Abdul Gani,
Kh. Ghulam Mohammad Shah, Kh. Sadar-ud-Din Mujahid,
Mohammad Ramzan Karnai, Kh. Abdul Ahad (Advocate Sopore),
Ghulam Hassan Inqilabi, Ghulam Ahmad Sofi, Ghulam Mohammad
Bhat and Ghulam Mohammad Sheikh (Doda, Jammu). With these
and many other politicians and political workers, the
Plebiscite Front had declared itself to be a non-communal,
secular and non-violent organisation."

Party organisational Structure

On the basis of the plebiscite Front constitution, 1955, which was subsequently amended in 1965, the party organisational structure comprised of :—[18]

(1) The Primary Committee or Mohalla OR Gam (Village) Committee. Its activities were confined to Mohalla or the village. The members to this committee were directly elected by the residents of that locality.

(2) Next Primary Committee was called Halqa Committee and its activities and functions were confined to the area covered by a patwar Halqa. Its members were indirectly elected by all the elected members and office bearers of all the primary units within the Halqa.[35] Halqa Committees existed also in town municipal areas. All the members and office bearers of the committees operating in a Halqa were empowered to elect the delegates who would elect delegates and these delegates elected the Tehsil President, District and Provincial Committees, which function in these administrative units.[36] The Presidents of these committees had power of nominating the office bearers and members of these committees.[37] The party had one General Council whose members were elected delegates, one fourth from every tehsil from all over the State.[38] [99]

Besides, there were one president; two vice-presidents; one General secretary; two secretaries; a treasurer; an accountant; members of the working committee, who formed the party's central council; delegates; ~~and the primary or basic members~~ the Tehsil, the District, the provincial and the state level committees; and the primary or basic members of the party.[19]

The party had a centralized organisational structure, ~~and~~ its all the committees used to function under the discipline and general control of the working committee.[20]

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However, the Front's Finance Committee, comp[osed] of the president, two vice-presidents and the treasurer, used to control the receipt and exp[enditure] of all the funds of the party and audit the ~~accou~~ accounts of all the subordinate committees.[21]

But the primary or basic membership of the party was open only to those who believed that the state's accession to India was only temporary and provisional and that the issue of accession had to be decided by its people through a plebiscite.[22]

Party ideology

The ideology of the plebiscite Front was evident from the very name, aims and objectives of the party. The party leadership believed that as the Instrument of Accession of the Jammu And Kashmir state with the Indian Dominion signed by the Maharaja on oct 27, 1947 was accepted by Lord Mountbatten on the assurance that it should be settled by a reference to the people, kashmir state was a disputed territory.[23] The state's accession was Indian Union was, therefore, conditional and temporary and could only be stlled in accordance with the wishes of the people of the state. The party leadership stressed ~~time and again~~ that since the issue of kashmir accession had never been referred to the people, the dispute stood unresolved.[24] The ~~do~~ leadership further stressed that as pt. Nehru, the then prime Minister of India cabled a similar assurance to

British Prime Minister, the right of self-determination of the Kashmir people was, therefore, recognised by both nationally and internationally. and even under the U. N Security Council resolutions passed in March, 1948.[25]

As the party's first and foremost contention was to secure to the people of Kashmir their sacred right of self-determination, it was the corner stone of party ideology.[26] The party also believed in the ideology of constitutionalism, non-violence and peaceful cooperation as methods for the attainment of its objective and aims. Its leadership had also a faith in the ideology of secularism and democracy.[27] While discarding the role of religion in politics and stressing that there was no place for communalism in its politics and political programme, they declared that "communal hatred and disharmony is repugnant to any ideology." Moreover, the party never favoured the disintegration of the State.[28]

An other important ideological ingredients of the party was its belief in human rights and liberties. The party, therefore, strongly opposed oppressive laws such as Preventive Detention Act, The Enemy Agent Ordinance, The Defence Rules etc. which could be used on any pretext for curbing human liberties and civil rights for the people.[29]

In short The plebiscite Front had secular ideology and believed in man's worth and advocated the cause of human rights and liberties. It stood for a political system based on justice, equality and liberty. It never approved any draconian ~~type~~ sort of ~~legislator~~ legislations which curbed human will and liberty.

Support base of the party

The plebiscite Front gained strength with the passage~~of tim~~ of time. and became the most effective and influential party in the valley as well as in muslim belt of Jammu region.[30] It generally attracted the elements having affainity with the principle of kashmiri sub-nationalism represented by Sheikh Mohammad Abdullah, those having ideological affinity with the Two Nation Theory and were not prepared to sacrifice their religion and ideology at the alter of good relationship with India and who cherished the idea of independent kashmir.[31]

~~The Front also managed to control~~

The Front had made an attempt to infilterate into the trade Union sphere and manged to control the Silk Factory workers Union, ~~Boatmen~~ Boatmen's Unions and the students union such as youngmen's League.[32]

The Front had also supporting bases in some of the foreign countries i.e kashmiris settled in U.K; U.S.A ~~and other countries etc~~. and in other countrees. The party also got monetary as well as moral support ~~form~~ from European ~~cou~~ and some middle eastern countries.[33]

ategy And Tactics

In order to mobilise the public opinion in support of its basic demand for right of self-determination, 'the imparting political education to the masses' was the common and overall strategy adopted by the Front.[34] The party, therefore, organised processions and public meetings in which ~~the~~ its leadership demanded withdrawal of Indian army from the State and of the holding of plebiscite under United Nations auspices.[35] An under-ground war council was also set up to conduct the passive, non-violent movement. The demonstrations by women marked a special feature of the movement for plebiscite. With a view to educate the masses politic-ally, huge literature was published and distributed. Sacred religious places such as Dargah-i-Hazratbal etc where the Front could find a readymade and easy audience for ~~propagation~~ propagation of its aims, objectives and programmes were exploited.[36] The party ~~also~~ organised strikes, ~~and~~ hartals, ~~also~~, street processions, demonstrations and slogan shouting also.

Another strategy adopted by the Front was to prepare people for non-cooperation with the governments of the State and the Centre. The party tried to highlight the failures of the governments in various spheres and under-

..e the benefits to the people from various measures taken by the governments to ameliorate their lot.

In other words, the Front's endeavours was to underrate the ~~Sates~~ state's links with India and to stress the importance of her links with Pakistan.[37]

The Front Electoral Performance

In the initial stage the Front condemned the contesting of elections and criticised those who wanted to enter the election arena. But later on apprehending cracks in the party, it decided to contest elections to prove to the world how ~~the~~ popular the party was in ~~the~~ Kashmir. The party, therefore, decided to enter ~~the~~ 1972 election[38]. However the nomination papers of the Front candidates were ~~reject~~ rejected on the ground they were anti-national.[39] But a few candidates ~~enjoying~~ like Mirza Arif Beg, Mufti Mehraj Din and Aga Syed Afzal Jalali — enjoying the Front support contested the election. The party even extended its support to the candidates of Jamat-e-Islamia[40].

But the massive victory of the Front candidates [4..] in the civic polls had given legitimacy to its stand.

the Plebiscite Front politics were Mirza Mohammad Afzal Beg, Sofi Mohammad Akbar of Sopore, Kh. Abdul Gani Gooni, Kh. Mohi-ud-Din Hamadani, Kh. Ghulam Rasool Kochak, Haji Mohammad Ishaq, Kh. Ali Shah, Shikh Mohammad Mansoor, Mohammad Subhan Bhatt, Pir Mohammad Afzal Makdoomi, Habibullah Hakim, Sopore, Ghulam Nabi Wani, Pir Maqbool Yelkami, Handwara, Ghulam Kadir Hawabaz, Ghulam Mohammad Dar, Bannihal, Mirza Ghulam Mohammad Beg, Ghulam Nabi Kochak, Doctor Abdul Majid (Islamabad), Pir Abdul Gani, Kh. Ghulam Mohammad Shah, Kh. Sadar-ud-Din Mujahid, Mohammad Ramzan Karnai, Kh. Abdul Ahad (Advocate Sopore), Ghulam Hassan Inqilabi, Ghulam Ahmad Sofi, Ghulam Mohammad Bhat and Ghulam Mohammad Sheikh (Doda, Jammu). With these and many other politicians and political workers, the Plebiscite Front had declared itself to be a non-communal secular and non-violent organisation.

The Plebicite Front was hereby three months old when M.A. Beg - the President of the party alongwith several top leaders of the party were attrested on 19th Notbember 1955. Inspite of this a two-days convention of the party workers was convened at Anantnag in the last week of November 1955 which was attended by more then fifty thousands people. Several resulutions were passed. The party urging the Govt. of India to implement the UNO resolutions on Kashmir and to ~~xxxxxxx~~ honour her solamn pledges of holding free and impartial plebicite in Kashmir for the democratic settlement of the accession question. Between 19th November 1955 and 19th September 1956, four Presidents including M.A. Beg of the party were arrested. The party then decided to boycott the proceedings of the Kashmir consembly. Thousands telegrams were then sent to the President of the consembly by the party to desist from

~~The Front challenged the competence of the Consembly to frame the process of Constitution on the plea that~~

The Front challenged the competence of the Consembly to frame the Constitution on the plea that following the dismissal and the arrest of Sheikh Mohammad Abdullah as well as many of his colleagues, the Consembly had lost its representative character. As such, in their absence and in the absence of 25 members assigned to the territorial constituencies under the Pak-occupied Kashmir, no decision regarding the future of the state and finality of the issues could be decided by it.[45]

The Front had very sagaciously chosen its strategy to internationalise Kashmir issue and to bring pressure upon the Government of India to concede to its demand for plebiscite. Its leadership, therefore, appealed to conscience of the world statemen, politicians and the head of the Governments for extending their supports to the demand of the Kashmiri's for plebiscite as agreed to by the various resolutions of the Security Council.[48] Memorandums were submitted to the Commonwealth Prime ~~minister~~ Ministers' Conference held in London on Sept. 9, 1962 to the President of U.S.A on his visit to India in 1959[49] and to Frank Graham, the special UN representative for Kashmir on his visit to Indian sub-continent in January, 1958 urging them to see that the Security Council resolution for plebiscite in Kashmir be implemented with further delay.[50] Similar appeals were made to the U.N. Secretary General, ~~and~~ the President of the U.N.O & General Assembly and the Muslim Countries to help in the solution of the Kashmir dispute.[51]

Constitution making. Protest meetings were held where the members of the party reiterated their faith in the right of self-determination. Although the party also boycotted the Assembly Election of 1957, yet it played an important role as an opposition from outside, The Front, however, became the party more of Pro-Pakistan elements rather than being a secular party as was claimed earlier. There was a regular contacts between the Plebiscite Front ~~and~~ leadership and the Pak Agencies.46 According to B.N. Malik the incriminating letters were recovered from Mirza Afzal Beg. However, at the time of his arrest in 1956. He also ascerted that a regular communication was being ~~xxx~~ maintained between the war Council of Pakistan and Plebiscite Front leaders by means couriers.47

The Holy relic episode of 1963 provided an other opportunity to the Plebiscite Front to further extend its influence in the valley. The party forged an alliance with the Awami Action Committee of Maulvi Farooq to give a lead to the people of the valley in such an hour of grave crisis. The honeymoon betwee n the two parties, however, broke down after the recovery of the holy relic. The Awami Action Committee then stole some of the thunderour of the plebiscite Front. It then could not claim to be ~~xxxx~~ sole representive of the Muslims of the valley.52

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Pakistan's failure to capture the state with the help of large scale infiltration in 1965, however, gave rise to extremism in the valley. The then newly emerging youth leaders accussed the plebiscite front of inaction when Pakistan was trying to liberate Kashmir. On October 1, 1965 during a meeting at Hazaratbal Shrine several students captured the dias and blamed the leadership of Front for being stooges of the Indian Government.[53]

However, after the historic Indira-Sheikh Accord of 1975, the J&K Plebiscite Front, was considered to be irrelevant and was, therefore, dissolved The Party was then redesignated as The All J&K National Conference.

Thus, the politics of the All Jammu And Kashmir plebiscite Front right from its inception till 1975, when Sheikh Mohammad Abdullah assumed political power, seemed simply to be a protest Movement. After 1975 till his death, Sheikh Mohd Abdullah simply harped on the tune of state autonomy and the issues of a state accession and the right of self-determination of the Kashmiris were relegated to the background. One may, therefore, conclude that the politics of plebiscite was played simply for political bargaining and the bargain was astutely structured in the shape of Indira-Sheikh Accord 1975.

54. ... Vol II P 1214

1. Bhushan, Vidya : State politics And Govt. : Jammu And Kashmir

op. cit P- 192.

2. Bhushan, Vidya : The Evolution of Democratic Institution in Indian polity

ESS ESS publishers New Delhi 1989, P. 137.

3. Saraf, Mohammad Yusaf : Kashmir's Fight For Freedom

Ferozsons Lahore 1975 P-124

4. Jan, Asifa ; Protest Movements And Democratic culture ~~(A study of plebiscite Front, Jammu And Ladakh Agitations in Jammu And Kashmir)~~.

Ph. D. Thesis University of Kashmir 1994 P-153.

5. Fazil, Manzoor : Kashmir Government And politics

Gulshan publishers, Srinagar 1982 P-47

6. Gupta, Jyoti Bhushan Dass : Jammu And Kashmir

7 Jan, Asifa : Protest Movements And Democratic culture P-2

op-cit P-156

8. Ibid P-158

9. Ibid

~~10 Saraf, Mohammed Yusaf : Kashmir's Fight For Freedom~~

~~op. cit Vol II P 1195~~

(10)

10. Ibid P 156.

11. Ibid.

12. Fazil, Manzoor : Kashmir Government And Polit...

op. cit P-79.

13. Bhushan, Vidya : The Evolution of Democratic Institution in Indian Polity

op. cit. P-137.

14. Ibid P-138.

15. Jan, Asifa : Protest Movement And Democratic Culture

op. cit P-158

16. Ibid P-159.

17. Ibid. P-160

~~17 Jan, Asifa : Protest Movement And Democratic Culture op. cit P. 170.~~

17. Singh, Maninder : Party Politics in The State of Jammu And Kashmir : A Case Study of Rightist Parties, Ph.D. Thesis, University of Jammu, 1990 P-111

18 Ibid P-112

19 Ibid

20. Jan, Asifa : Protest Movement And Democratic Culture

op. cit P-170

21. Malik, B. N : My years with Nehru

Allied Publishers, New Delhi 1971 P.P. 64-65

22 Ibid

~~18. The Constitution~~

18. The Constitution of the plebiscite Front, 1965
Articles VI (a & b), VIII (c), VII (d) and XII (a)

19. Jan, Asifa : Protest Movement And Democratic Culture
op. cit. p. 161

20. Ibid

21 Ibid

22 Ibid. p-162,

23. Saraf, Mohammad Yusaf: ~~Kashmir's Fight For~~ Freedom
op. cit vol II p-1045.

24 Ibid

25. Jan, Asifa: Protest Movement And Democratic Culture. op. cit. p. 173.

26. Ibid

27. Ibid

28 Ibid. p-176

29. Ibid

30. Bhushan, Vidya : The Evolution of Democratic Institutions in Indian polity.
op. cit. P 138

31. Shawal, Mohi-ud-Din : Kashmir Conspiracy Case
Srinagar 1960 p-50.

32. Jan, Asifa : Protest Movement And Democratic Culture op. cit. pp 164-65.

33. Ibid.

34. Ibid

35. Saraf, Mohammad Yusaf: Kashmir's Fight For Freedom
op. cit. Vol II p 1214.

36. Jan, Asifa : Protest Movement And Democratic Culture op. cit. p 166.

48 ~~23~~. Jan, Asifa: Protest Movement And Democratic Culture op. p-171

49 ~~24~~. Ibid.

50 ~~25~~. Ibid.

51 ~~26~~. Roop Krishan Butt article on Plebiscite Front in Political Science Review No. 1-4; 1971

52 ~~27~~. Singh, Narinder: Party politics in the State of Jammu And Kashmir: A case study of Rightist party op-cit. p. 117

53 ~~28~~. The Tribune (Ambala) Oct-21, 1965 P-2

54 ~~29~~ Jan, Asifa: Protest Movement And Democratic Culture op. cit. p - 183.

(150) (7) Submission

THE ALL JAMMU AND KASHMIR NATIONAL CONFERENCE

THE CIRCUMSTANCES LEADING TO THE FORMATION OF THE ALL JAMMU AND KASHMIR NATIONAL CONFERENCE

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There was little political activity, carried on Constitutional lines, and consequently no political party in J&K state before 1931[1]. But the masses in the state could not completely isolate and immunise themselves to the growth of national movement in British India and its manifold repercussions. Some of the young inhabitants from the state, however, went to the universities in British India for their post-graduate studies in Law, Science and Arts for which there was no provision in the State of J&K. There, they happened to mix with their young contemporaries and get stimulated by the national feelings and sentiments. The launching of first civil disobedience movement by Mahatma Gandhi in 1921, followed by another movement in early thirties, and the intermitted hartals and satyagrahas etc did not fail to percolate into the students of the state. The growth and role of the press particularly from British India had greatly helped in disseminating these news in the State[2]. The growing tide of nationalism in the then British India, thus, found a ready echo in Kashmir State because of the poverty and exploitation of the masses, who too were not satisfied with the bureaucratic functioning of there Maharaja's Govt., their inadequate representation in the State services, neglect of their education, appointment of Rajputs at responsible posts, discrimination against them, denial of religious freedom, and lack of freedom of press and platform were the main grievance particulary of Muslims, which comprised majority population, against the state administration[3]. A small group of educated youngmen were, therefore, clamouring for a share in the state services.

In 1916-17, Summander Khash, however, applied to Maharaja Partap Singh for the permission to set up a non-political Muslim Association[4]. On the grant of permission in 1921, a society known as 'Anjuman-e-Islamia was formed in Jammu to look after the educational & social welfare of the Muslims[5]. With the passage of time a group of youth tried to broaden its sphere of activities but it was opposed and resented by the elder members. Under the circumstances, the young men Muslims Association was formed for the popular mobilisation of political awakening[6].

On the other hand, Sheikh Mohd. Abdullaha, Mahd. Rajab, Qazi Saif-ud-din and Ghulam Ahmed Muhtar returned to Srinagar in April 1930 after completing their studies in M.U. Aligarh They sbought with them broad outlines of plan for starting an agitation in Kashmir. Perhaps in accordance with this plan Mohd Rajab and Sheikh Mohd Abdullaha in conjunction with Bashir (a retired Revenue Assistant) had set up a small Reading Room in the House of one Syed Ali Akbar in 1930,[7] where lenghthy discussion took place as to how the Muslim grievances could be redressed.[8] Encouraged by the reponse of educated Muslims and the interest shown by the uneducated the Reading Room was given a regrlar organisational shape and Mohd Rajab and Sheikh Abdullah were elected its president and secretary respectively.[9]

The Youngmen's Muslims Association of Jammu, also decided to coordinate the compaign of Reading Room.[10] Along with the happening of 1931, when the Muslims populatin of the state blew the bugle of Jehad against the authocratic rule of the Dogra Maharaja, need was felt to bring all Muslims, of the state on one common platform in an organised manner. with that end in view the various muslims groups coalesced to form All Jammu & Kashmir Muslims Conference. Its first session, with Seikh Abdullah as president was held on 14,15 & 16 Oct. 1932.[11] The party supported two nations theory of the Muslim League althouth It had time and again declared that if and when it would come in power non-muslims would be treated fairly and even generously.[12] It took part in Prajs Shaba (State Assembly) elections of 1934 and 1939 and captured 16 out of 21 and 19 out of 21 Muslims seats respectively.

During early years of its life the Muslims Conference was to see that more and more Muslims to be absorbed in the Govt. services as recommended by Glancy Commission of 1931. The leadership of the party soon found out that the problems of Muslims masses was something more than a due representation in the state services. The party, there-fore, began to clamour for respondible govt.[13] and 8th May, 1936 was observed as 'Responsible Govt. Day' through out the State. On the appeal of Sheikh Mohd. Abdullaha many progresive Hindus and Sikhs also joined hands and made the day a success.[14]

The leader of Muslims Conference then realised that if the gates of the party would be opened to them, the party would have a more effective voice. In August 1938, the party issued a National Demand stating that the ultimate goal of the people was to bring about complete change in their social and political outlook and to achieve the responsible govt. under the agis of the Maharaja.[15] It was also customery for the govt, to dub the leaders of Muslim Conference as Muslim Communalists who cared much for the interst of Muslims only. It was, therefore, felt that the inclusion of a lagge number of Hindus and Sikhs would take the string off any such criticism.

THE FORMATION OF THE J&K
NATIONAL CONFERENCE AND ITS
STRUGGLE FOR FREEDOM IN
PRE-INDEPENDENCE PERIOD

Thus, in these circumstances, the Working Committee of Muslims Conference met on 28th June,1938 at Srinagar and after a hot discussion lasting for five days and spread over 52 hours passed the resulation for the transformation of the All Jammu and Kashmir Muslims Conference into the All Jammu and Kashmir National Conference.[16] The delagates of the special session of the Muslim Conference almost unanimously passed this resolution of its Working Committee in the mid- June 1939.[17]

The first session of the All Jammu and Kashmir National Conference was, however, held in the end of September 1939=and among other things, it ratified the document known as National Demand. The All Jammu & Kashmir National Conference thus stated to carry out its activities on the line followed by Indian National Congress. Till today it is one of the most popular and organised political party of the J&K State.

The Jammu and Kashmir Constitution, of 1939, on the other hand, superseeded 1934 Constitution with little reforms. By the end of 1943, However, the Maharaja inaugurated some more Constitutional reforms in the State and the elected member were appointed as ministers. But the National Conference leadership regarded these reforms as half-hearted measures. They were struggling for a representative govt. and were not satisfied with a puppet assembly and a Council of Ministers responsible only to Maharaja. The National Conference, therefore, held its annual session on 29th and 30th September, 1944 at Sopore and unanimously approved a manifesto, 'NEW KASHMIR' as its objective.[18] The National Conference in its memorandum to Cabinet Mission in 1946 critised the working of the J&K Constitution of 1939. The Memorandum concluded 'these mock reforms only injured the legitimate aspirations of politically awakened masses of Kashmir and whipped them into conducting more itensive struggle for establishment of the responsible government.[19]

In May 1946, the National Conference, therefore, launched a mass movement, known as Quit Kashmir, which challenged the validity of the Treaty of Amritsar, 1846. It was a struggle of the people in the State against autocracy. The bureaucracy was, thus, bewildered at this new slogan and full of vengence they were then out to 'do' and not to 'die' even if that meant finishing all people. The govt. was thus fully prepared to wipe off the popular movement. Military squads paraded the streets of Srinagar all day and night. Army was posted at all the important points.[20] Dispite all this the movement went on and the National Conference proved to be the best organised party on non communal lines with the Nationalistic outlook, experienced leaders and progressive programme of its own.

THE ALL JAMMU AND KASHMIR NATIONAL CONFERENCE IN POST-INDEPENDENCE AND ITS LEADERSHIP.

In the wake of the brutal Tribal-cum-Pakistan invasion on the State of Jammu and Kashmir Sheikh Mohd Abdullah, the president of the All Jammu and Kashmir National Conference took over as the head of Emergency Administration and gradually managed to established a grip over the affairs of the State. To the credit of the National Conference goes the accession of the State to the Indian Union in 1947.

Just after the instalation of popular government in the State in 1948, the National Conference leadership devoted their attention towards translating the dream of 'Naya Kashmir' into a reality. The first major thing, the National Conference Govt did was the passage of the Big Landed Estate Abolition Act and transferred land to the tillers. As a result ~~the~~ thousands of the poor peasants were, therefore, relieved from exploitation.[21]

In order to end the State of ~~uncertaintainty~~ uncertainity created by Pak invasion, United Nation's inability to undo it, wait and see, frustration and agony and fully recognising the right of self determination of Kashmiries, the General Council of the National Conference issued a mandate to the supreme National Executive for the ~~convocation~~ convening of State Consembly bassed upon adult sufferage and embrscing all sections of the people and all the Constituents of the State for the purpose of determing the future shape and affiliation of the State of Jammu and Kashmir.[22] The National Conference, thus, captured all the 75 seats of the Consembly because of its policy, programme and leadership.

The party leadership have succeeded in giving a separate distinctive Constitutional personality to the State. Because of their constant and forceful struggle the aspirations of Kashmiri Nationalism has been spelt out in Art 370 of the Constitutional of India, Delhi Agreement of 1952, abolition of monarchy, the disire to have an elected head of the state, a separate flag and separate emblem.[23] In short the National Conference under the charismatic leadership of Sheikh Mohd Abdullah, who had ever symbolised Kashmiri Nationalism, and Dr. Farooq Abdullah- his son stressed autonomous position of the state within the Indian Polity. The J&K National Conference under the dynamic leadership of G.M.Bakshi stood for and achieved ratification of State accession with India.[24] The National Conference during 1964-1971, under the progressive and Nationalistic leadership of G.M.Sadiq, however, found rigb time for progrssive integeration of Kashmir with India. The then National Conference Government, therefore, took many steps including the extention of some of the beneficial Union Laws to the State, the extention of the Congress activities to the State and the merger of the J&K National Conference with Indian National Congress on 26th Jan.1965.[25]

The National Conference was revived again in July 1975 by Sheikh Mohd Abdullah. It was a logic corollary of the historic India Sheikh Accord of 1975. Afterx getting ab

After getting abso-lute majority in 1977 Assembly elections, the National Conference leadership tried to revive the pre 1953 polities of the party. Under the dynamic leadership of Farooq Abdullah the party emerged again as most popular and well organised party of the state of Jammu and Kashmir. It succeeded in securing majority seats in all assembly elections

till today.

In short the All Jammu and Kashmir Conference represented continuity of political movement in the State of J&K. It is the State's most well organised and oldest party comparable in some way to the Indian National Congress. The aprty has outrightly rejected the two nations theory and has given a lead to the people to follow secularism, socialism and democracy. It is unified and stands solidly behind its leadership.

Inspite of factionslism and personality conflicts in the party, the All J&K National Conference has been able to continuously maintain its dominance because of the charisma of its leadership, the pragmatic character and populist appeal of its programme and policies ; an effecient and strong party organisation; weak, fragile and fragmented structure of the opposition and the party's electoral performance and the nature of State elections as a whole. 26

THE PARTY ORGANISATION

The party is perticularly suited to evolve a composite personality of the State by harmonising the diverse regional personalities and accommodate their respective needs and sentiments. The party is, not only organised on the basis of federal structure with provincial committees for each of the three regions of the State-Jammu, the Valley and Ladakh, but also proposes to reorganise the internal Constitutional setup of the state on similiar lines which would provide regional automony and further decenteralise political power through appropriate institutional arrangements at the district

block and village levels.

Starting from below, the primary members of the party elect a Gram (Village) Committee in each village. Each Gram Committee has an elected president, Secretary and cashier. The Grams Committees in a Patwar elect a Patwar Committee in rular areas but in urban areas there are Halka Committees. The Patwar and Halka Committees then elect their delagates. One delegate from each group of five hundred members is elected. The delegates of a block then elect a Block Committee they also elect the president, vice-president, secreatry and cashier of their respective block Committees. The delegates of a zone then elect zonal committee- the next higher unit of the party, alongwith its office bearers. The delegates of each region/province of the State then elect the regional/ provincial committee and its office bearers. Above the regional committees their is a General Body of the party whose members are elected by the delagates. Each group of five delegates elects one member for the General Body. The General Body of the party as well as delegates elect the party president. The party president then nominates Vice-president, General secretary, Treasurer of the party. He also constitutes his own Working Committee which is the highest body.

The party also has a youth wing called Jammu and Kashmir Youth National Conference. The party also has a separate labour wing with a number of trade unions affiliated with it. The Head quarters of the party is at Majaid Munzil Srinagar.

THE PARTY IDEOLOGY,PROGRAMME AND POLICIES.

The National Conference held its annual session

on the 29th and 30th of September 1944 at Sopore and unanimously approved 'New Kashmir'- the party programme and ideology/menifesto. The New Kashmir was declared to be an objective of the National Conference. New Kashmir-the charter of Rights is devided into two parts-constitutional and economic. It is a redical, dynamic and historic document for replanning and rebuilding of the State on secular, socialistic and democratic pattern of society. It proposes a scheme which politically was based on democratic principles of representation from village panchayat right up to the National Assembly and it was linked with the independence of judiciary and ultimate responsiblity of the executive to the people.

In the economic sphere it envisages a planned economy on socialistic pattern. The first part of the New Kashmir, however, covers-a) Citizenship ; b) National Assembly c) Council of ministers d) Rular e) Justice f) Local administration and g) National language. The part IInd, on the other hand, envisages the setting up of a National Agriculture Council to executive and supervise the National Agriculture plan, the basic principles of which would be- a) Abolition of land-lordism; b) Lnad to the tillers ; c) Co-operative associations; d) Feeding the people as its primary objective; e) People's control of Forests.

It also envisaged for Nationalisation of key industries on the principles- a) Abolitions of big private capitalists; b) All key industries to be managed and owned by the State ; c) Private monopoly-whether form or virtual, to be abolished and e) To implment the policy, a National Industrial Council to be set-up.

THE SUPPORT BASE.

The All Jammu and Kashmir National Conference has a broad base. It has been able to get support from all communities as well as working classes. It is most popular in Kashmir region of the State. But in Jammu region the Muslims dominated belts, Poonch, Rajouri, Bhawderwa, Doda etc have invariably supported the J&K National Conference. The party, however, could not get mass support in Hindu dominated belts of Jammu region as well as in Ladakh dominated by the Budd-hists.

ELECTORAL ALLIANCES

Alliance in the electoral process, however, refers to those pre poll strategies of different political parties and candidates by which they enter into elecoral arrangement with one another in order to win. These alliances are, therefore, formed, in terms of either explict pacts or implicate contest avodance.

The National conferences had contested most of the State Assembly Elections without having allience with any other party. It was in 1977 Assembly election the talks to have a electoral alliances between National Conference and Jenata Party started. But these talks were ultimately failed and both the parties decided to go alone. However, the Jamat-i-Islami, long accused of extra-territorial loyalties made an elecoral alliance with Janata party.[49] The Jamat -i-Islami did not sponsor its candidate where Janta party decided to put up its own candidates. Janta party also did the same. Their alliance, however, could not break ice and Janta party could capture only 13 seats and Jamat-i-Islami only one.

It was in 1983 Assembly elections, that National Conference president Dr. Farooq Abdullah reached an understanding with Mirwiz Maulvi Farooq. As a result, for the first time a clear polarisation has taken place on political front between two regions Hindu-dominated Jammu & Muslim dominated Kashmir. However, it was wrong to say that both the parties had won seats on a communal basis. But a deeper analysis of the election result shows that both the parties had made deep nroads into each others strong hold.

In eiht parliamentary elections the leaders of National Conferencex(K) and Congress(I) decided to contest elections jointly and fielded candidates for all six seats. Mrs Khaleda Shah, the president of National Conference(K), therefore, declared that her party would work in close uniformity with Congress-I with which an alliance had already been forged.. Such a declaration was nothing but a re-affirmation of an earlier allience of July, 1984 between the two parties when Paradesh Congress-I legislative party decided to extend support to thirteen members of National Conference(K) groups in State Assembly to oust Dr. Farooq Abdullah. 50 Thus, because of this alliance National Conference(K) had put up its candidates in two constituencies in the valley - Srinagar and Baramulla. Whereas remaining four constituencies- Anantnag, Ladakh and two in Jammu region were left for Congress-I candidates. 51

Dr. Farooq Abdullah, president of National Conference (F), had also made efforts to forge a united front of the opposition parties in the state to counter Congress-I National Conference(K) alliance. But the Unity talks among the opposition leaders broke up because of their idealogical differences and divergent approcahes on the major political issues. However, with the intervention of Begum Akbar Jehan, the wife of Sheikh Abdullah and the mother of Dr. Farooq Abdullah, National Conference (F) Awami Action Committee, People conference and Panthers Party finally succeeded in entering into electoral alliance. As a result National Confe-rence-F supported by its allies contested all the three seats in the valley, one in Lakakh and one in Jammu. But in Udhampur constituency, it decided to give support to Mr. Bhim Singh, the president of Pahthers

party in return offered its support to National Conference -(F) candidate in Jammu- Poonch constituency.[52]

In March 1987 Assembly elections the ruling National Conference(F) entered an election alliance with Indian National Conference. As a result the arrangement of seat adjustment was arrived between the two parties. The National Conference-F was to contest 45 Assembly seats out of 76 while the remaining 31 seats would be contested by Congress-I. National Conference fielded its candidates in 36 constituencies out of 42 in Kashmir valley and 8 out of 32 constituencies in Jammu. It also shared the two Ladakh seats with Congress. Thus Congress contested 6 seats in the valley, 24 seats in Jammu region and one in Ladakh.[53] Congress-N.C. alliance was regarded in the best interest of state and country. It was in line with efforts of P.M. be friendly with the estranged forces and bring them into the mainstream.[54] National Conference(K) on the other hand, tried to seek electoral alliance with the Muslim United Front. The Election Commission of India, however, registered the National Conference headed by Begum Khallda Shah as a political party in the state and allotted it 'risingsun' as symbol for the forth coming assembly elections.[55] The talks for alliance between National Conference(K) and Muslim United Front ultimately failed. As a result National Conference (Khalida) had asked all its candidate to retire from the contest because the party was not in a position to bear heavy poll expenses.[56]

The ruling alliance of National Conference-(F) and Congress(I) however, secured absolute majority in 76-members State Assembly.

ELECTORAL PERFORMANCE

AND VOTING TRENDS

Elections in a democracy are considered a process politics and may be regarded as a procedure for aggregating preferences of a particular choice. It is the only accepted device to determine which party or parties be accorded the authority for governance for a defined period of time. Election is, therefore, not only the barometer of democracy but indeed its life breath. 58

As already pointed out, the J&K National Conference always secured majority seats in all the State Assembly elections since independence because of its progressive programme, charismatic and dynamic leadership.

In the Consembly of Kashmir's election of 1951, the J&K National Conference bagged all the 75 seats. The Praja Parishad-the only effective opposition party in the fray in Jammu region, had also boycotted the elections under protest, and levelled number of serious allegations against ruling National Conference. It accused ruling part of adopting malafide tactics such as not holding elections in province of Kashmir and Jammu simultaneously; irregular delimitation; no general seat in three Constituences; out of the way poling Stations; 41 out of 65 of nominations of Praja Parishad candidates being rejected on the most flimsy grounds; favour towards the National Conference candidates and official interference. It charged that election was not free and fair because persons in power manipulated it by committing irregularities in polling and in counting. 59 The J&K National Conference, however, refuted all such charges and pointed

out that it had been a perfectly normal election. Since National Conference had been the most pooular party, the most deeply rooted in the life of the people ~~it was~~, in both Jammu and Kashmir regions, bound to succeed. 60

As a result of the manifestation of the satisfaction of masses with the three years of developments in the G.M.Bakshi's rule, the National Conference got 56.52% of the votes polled and captured 68 out of 75 Assembly seats in second Assembly election of 1957 and formed the govt. 61 Similarly in the third Assembly Elections of 1962 National Conference again came in power with 66.96% of votes polled and capyuring 70 out of 75 seats because of weak and fragmented opposition. 62 In the 4th State Assembly elections of 1967 when National Conference merged with Indian National Congress, it won landslide victory and again maintained its dominance in Assembly. In 1977 Assembly election the revived National Conference under the charismatic leadership of Sheikh Mohd.Abdullah got 46.22% of the votes polled and got 47 sests of the Assembly. 63 In June 1983 Assembly election the first post-Abdullah election National Conference got 46.13% of the votes polled and captured 47 Assembly seats. 64 Similarly in 1987 Assembly election the electoral reaffirmed its faith in National Conference by returning it to power with a thumping majority. 65

THE PERCENTAGE OF VOTES POLLED AND NUMBER OF SEATS WON BY THE ALL JAMMU AND KASHMIR NATIONAL CONFERENCE IN STATE ASSEMBLY ELECTIONS SINCE INDEPENDENCE :-

Year of Election	Percentage of vote polled	Number of seats won
1951	----*	75
1957	54.38	68
1962	93.30**	70
1977	46.22	47
1983	41.46	46
1987		43

The electorates in J&K State have a strong commitment to Socialism and democracy. The commitment to secularism is appare--nt from their outright rejection of Communal Parties. The fact that majority of the people in the state demonstrated the strength of Indian democracy and uphold the federal nature of Indian Nationalism. The secessionism has now come to an end in the ~~xalix~~ valley.and if the regional asperations of Kashmiri sub-nationalism are not curbed secessionism is not likely to raise its head again.

Another main issue in the elections in J&K State is Art. 370 of Constitution of India, National Conference always

*All the National Conference nominee returned unopposed. In Habakadal and in Baramulla constituences in Kashmir the polling scene s were set but ~~bathxtha~~the independent candidates at both places refused to contest in the end. There were two contests in Jammu regioni.e.at Kanachak and in Akhnoor constituences. But at both constituences National Conference candidates won the seats.

** After 1962 Assembly elections and before 1987 assembly Elections,National Cobference had been merged with Indian National Congress. National Conference was, however , revived ~~again~~ in 1977.

cashed votes by exploiting this issue in Muslim dominant areas. The muslims of the state are of the opinion that Art 370 is a safeguard to the Muslims of the state against the Hindu majority ~~regarded this Act~~ of India. They feel that the retention of Art 370 is necessary until and unless ~~communication~~ communalism exists in the country. The Hundus, on the other hand regarded this Art as an obstacle to National integerity. So the choice to vote is always moulded by ~~issueing~~ using this issue in all the elections in J&K. An other recent ~~thrend~~ trend in Kashmir election is the erosion of the phenomena of one dominant party system. National Conference though secured majority seats but at the same time Indian National ~~Conference~~ Congress-I emerged as a main opposition party in the state. Another fact made evident is that since 1983 the elections showed a new trend i.e. ~~coletition~~ competition between Congree-I and National Conference-F the support base remained the same. The only difference is that the BJP support base has been shifted towards Congress-I. The voters have not changed thier loyalties towards their ideologies but towards parties only. They got the same thing in Congress-I which ~~BJP~~ BJS or BJP promised them. The BJP party is, thus, no more threat to Congress-I in Jammu where as National ~~Congress~~ Conference-F is trying hard to build its support base and to emerger as a viable opposition in this region also.

The voting trends in March 1987 State Assembly elections were quite different from that of previous elections. A glance over the election data reveals vital changes in Political landscape of the state since the last

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elections in 1983. Politics then was polarised between the National Conference and Congress. The Muslims United Front has now replaced the latter as the main challenger in Kashmir valley. The Jamat-i-Islami has now become a marginal force. Muslim United Front got four seats out of 42 in valley and 32% of the valid votes. Thus the Muslims United Front has emerged as the main alternative to the ruling National-Congress alliance in the valley.

In Jammu region Congress-I maintained its position All oppositions parties proved to be negligible. The voting behaviour of majority sections of populations were influenced by the Caste factor. The independents candidates for the Ist time got more votes than that of opposition parties and got elected. The National Conference which contested seven seats in the region as ally of the Congress improved its position and got 15.10% of votes.

"Jammu thus emerged after the elections, ~~Puri, P~~ 66 as a fragmented personality leader~~ship~~less and rudderless".

REFERENCES

1. Bhushan, Indu : The Government And Administration of Jammu & Kashmir Dissertation (Unpublished) Lucknow University 1942, P-136.

2. Ibid

3. Singh, K. Brahama : Political Agitation in Jammu & Kashmir 1931, And The Emergence of the Muslim Conference' -M. Phil Dissertation, University of Jammu 1982 PP 29,33,37,39 and 40.

4. Saraf, Muhammad Yusaf: Kashmiris Fight For Freedom Ferozrons Ltd. Lahore 1977, Vol I P.352.

5. Bamzai, P.N. : History of Kashmir Metropolitan, Book Company Pvt.Ltd. 1962 P 651.

6. Saraf, Muhammad Yusaf : Kashmiris Fight For Freedom Vol I op. cit P.352.

7. Ibid P.354

8. Bazaz, Prem Nath : Inside Kashmir Srinagar 1941 PP 100-101.

9. Saraf, Muhammad Yusaf: Kashmiris Fight For Freedom Vol I Op.cit P-354.

10. Ibid P-357

11. Ganju, P.N. : This is Kashmir S.Chand & Co. Delhi, 1948 P-7

12. Sathu, Jagan Nath : Behind the Iron Curtain in Kashmir Kashmir Democratic Union, 30 Faiz Bazar, Delhi, January 1952, P-9.

13. Bhushan, Indu : Government And Administration in Jammu and Kashmir op.cit P-137.

14. Ganju, Dr. M. : This is Kashmir op. cit P-8.

15. The National Demand : Published by M.M.Sayeed Mujahid Manzil, Srinagar.

16. Ganju, Dr. M. : This is Kashmir op.cit PP-9,10.

17. Bhushan, Indu : Government And Administration in Jammu and Kashmir op.cit P-144

18. 'Naya Kashmir'Manifesto published by K.N.Bamzai, Director Kashmir Brezeau of Information, 5, Privithi Raj Road, New Delhi P-24.

19. The National Conference Memorandum to Cabinet Mission,1946. The people Age, Bombay Jeiw 2, 1946.

20. Ganju, Dr. M. : This is Kashmir op.cit PP-13-14.

21. Sheikh Mohd.Abdullah : His Life and Deeds a phamplet issued by deptt. of Information (Publication Unit) J&K Govt. year not mentioned P-4.

22. Constituent Assembly for Jammu and Kashmir- Resolulation adopted by the General Council of the All Jammu and Kashmir National Conference on the 27th Oct.1950. Published by B.P.Sharma, Principal Information Officer Jammu and Kashmir, year not mentioned.

23. Bhushan, Vidya : State Politics and Government : Jammu and Kashmir. Jay Kay Book House, Residency Road, Jammu Tawi 1985 PP-108, 109

24. C.A.Debate Vol IV No.4 Dt.6th Feb 1954 P-48

25. Koul, Santosh : Evolution of the Constitutional Relationship between J&K State and Indian Union, unpublished thesis, University of Jammu 1972 PP-146

26. Singh, Balbir : State Politics in India Mackmillian India Ltd. New Delhi 1982, P-56.

21

27. Why National Conference - a phamplet issued by publicity Deptt. J&K National Conference, year unknown.

28. Interview with Shri Amar Nath office Secretary of J&K National Conference, Jammu province dated 19/9/87.

29. New Kashmir : Published by K.N. Bamzai the Director Kashmir Brearreau of Information, 5 Privithi Raj Road, New Delhi, year not known P-24.

30. Ibid

31. Brass, ~~poll~~ paul R : Factional Politics in An Indian State Bombay, Oxford University press 1966P-

32. Chandra, Perkash : Factional Politics in Jammu & Kashmir A case study of Factional Behaviour in the Ruling party of the State. Dissertation submitted to MNV 1977 pp 146-47

33. Ibid p-150

34. Wood, Lord Bird : Two Nations and Kashmir Robert Hala Zt.63·Old Brompton Road London, s.w.-7 1956 p-157

35. Bhushan, Vidya : State Politics And Government Jammu And Kashmir op. cit p-157

36. Singh, Balbir : State Politics in India Macmilian India Limited New Delhi 1982 p-164.

37. Ibid p-165

38. Ibid p-166

39. Ibid p-169

40. Ibid p-177

41. The Indian Express of 25th Feb, 1975

42. Singh, Balbir : State Politics in India op.citp-184

43. Kashmir Times, An English Daily Sept.8,1983.

44. Batrohi, Dev : Constitutional And Political Aspects July 84 Events in Kahmir Published by the Directorate of Information(Publication Division) J&K Govt.Aug 1984.p-4

45. Kashmir Times An English Daily fro Jammu 1982 p-

46. Kashmir Times, An English daily from Jammu Nov 4 1982.

47. Batrohi, Dev : July 84 Events in Kashmir- Constitutional and Political Aspects.

48. Ibid

49. The Times of India New Delhi, 22th June 1977.

50. Magrey, Zarina Bano : Eight Parliamentary Elections in J&K State An M.Phil Dissertation ((Unpublished) 1986 p-76.

51. Kashmir Times, An English Daily from Jammu Nov 19. 1984.

52. Daily Excelsior : An English Daily fro Jammu Dec 22, 1984.

53. Kashmir Times- An English Daily from Jammu Feb.23,1984 p-1.

54. Kashmir Times, March 12, 1987.

55. Kashmir Times, Feb. 22,1987 p-1.

56. Kashmir Times, Feb. 28, 1987 p-1.

57. International Encyclopaedia of Social Sciences Macmillan and Free Press USA 1986, Vol.16 p-387.

58. Maheshwari, Shriram : Electoral Politics in National Metropolis Ritu Delhi p-1.

59. Bhushan, Vidya : State Politics And Govt. Jammu and Kashmir op.cit p-119.

60. Elections to the Jammu and Kasmir Constituent Assembly-A phamplet issued by Ministry of Information and Broadcasting, J&K Govt. year not known 9-53.

61. Qureshi, Z.M. : Elections and State Politics of India A case study of Kashmir(New Delhi) Sundeep Parkashan 1979 p-51.

62. Ibid p-54

63. Ibid p-68

64. Ahmed, Sheikh Nazir : Toppling Game in Jammu and Kashmir J&K National Conference p-1.

65. Ibid.

66. Puri, Balraj : Portents of J&K Elections- An arti-cle published in Kashmir Times- An English Daily Jammu Dt. 26th & 27 May, 1987.

POLITICO-HISTORICAL PROFILE OF JAMMU AND KASHMIR STATE — A BRIEF APPRAISAL

Kashmir can claim the distinction of being the only region of India which possesses and uninterrupted series of an ancient Sanskrit written records of its history, reaching back beyond the period of the Muhammadan conquest and deserving the name of real chronicels.[1] Kashmir has, therefore, a Sanskrit chronicle tradition which is unique in Hindu India and reminiscent of chronicles of the Muslim world or medieval Europe.[2] The earliest extent and most important of these chronicles is the Rajatarangini (i.e. stream of Kings) compiled by Kalhana in about A.D. 1150. Kalhana had given an account of the region upto A.D.1006, whereas Jonaraja upto A.D.1420, Pandit Srivara upto A.D. 1489 and Pragya Bhatt upto A.D.1586 when Kashmir was annexed by the Great Mughal Akbar.[3] Since then the history and chronicles of Kashmir have been written by many Sanskrit and Persian scholars as well as by many western travellers.[4] From the period of the first settlement in Kashmir to the reign of Gonada, the first Prince, the region was governed by a succession of fifty two kings of the Kaurava dynasty which ruled over it for a period of about 1266 years.[5]

In ancient India, Kashmir had an honoured place. The chronicles speak of the glorious king of Kashmir named Gonanda, who was worshipped by the region which Kalhana lights up and which the tossing Ganga clothes with soft garments.[6]

Kashmir was a part of the empire of Ashoka who laid the foundation of city of Srinagar.[7] He is said to have introduced Buddhism in Kashmir and sent about five thousand Buddhist disciples for its propagation. Many Buddhist monasteries, therefore, came up in Kashmir during his time. He also introduced the cultivation of Saffron in the Valley and took many steps to improve agriculture. The Buddhist faith had, however, received an impetues at the hands of the Indiano-Scythian rules, particularly Kanishka, Huska and Juska.[8] The Third Buddhist Council was held in Kashmir under Kanishka's patronage and from that time Kashmir became the centre of Mahayana from where missionaries carried the doctrine to distant China, Central Asia and Tibet.[9] But all the subsequent rulers were not supporters of Buddhism. As a result of the rise of Shiva cult and philosophy, Buddhism though linger on for some years, but was finally replaced by the traditional Brahminism. Tolera turi, however, been the key note of religious policy even in those remote years and the people of different religious faith lived together amicably.[10] After the commencement of of the Christian era, the valley was invaded by Tartaras.[11] In the sixth century A.D. came the white Huns.[12] The two other notable kings in Kashmir were Pravarsena II and Lalitaditya. Whereas Pravarsena-II reigned about 700 A.D. and built his capital on the site of the present Srinagar. Lalitaditya, being the most famous of the later Hindu kings ruled over Kashmir in the middle of the eighth century and distinguished himself by his successful campaigns in

Central and Western India and Central Asia.[13] He is said to have subdued many kings in India in a tour of conquest for 12 years and then turned his attention to Central Asia and returned victorious via Tibet.[14] It is recorded that he was a patron of art and culture and carried out many public works and built many temples including Martanda Temple. Mahmud of Ghazni said to have attempted to invade Kashmir, but failed to effect entry.[15]

The subsequent political history of Kashmir for some hundreds of years was a succession of violent changes in which dynasty succeeded dynasty and some adventurer or other by his military talent acquired power.[16]

Towards the middle of the 14th century the Muslim rule was established over the valley, This religion had found a fertile soil to grow and expand because the people had been groaning under the misrule of the later Hindu rulers, when trade had languished and agriculture was at standstill.[17]

The most notable of Muslim rulers were Sultan Zain-ul-Abdin (1420-70 A.D.) who had worked zeolously for the greater benefit of greater number and said to have introduced the vocations like Carpet-Weaving, paper-making, paper-mache, Silk breading, horticulture, stone-culting, stone polishing, windo-cutting, bottle-making, gold-heating, shawl-weaving etc. in Kashmir. He was generous and brave and earned the goodwill of Hindus who had been persecuted

earlier. He encouraged learning, fine arts and polytechnices.[18] He had also invtied to Kashmir skilled craftsmen viz. the weavers, ebroiders, wood-carvers and makers of brassware, carpets and paper-mache form Turkey, Mecca and Egypt, who were the progenerators of skilled craftsmen of todays Kashmir. The death of this enlightened Sultan left Kashmir Valley a prey to the old anarchical influence and it was not until the conqest of the territory by Emperor Akbar towards the end of 16th century (in 1586), that a region of order was established.[19] Akbar had visited Kashmir thrice and during his last visit he got constructed the fort on the Hari Parbat Hill to attract the people who had fled the valley because of the atrocities committed by Chaks. He also laid down a sound revenue system through his revenue Minister Todar Mal.

Jahangir and Shah Jahan were very fond of Kashmir. They built stately mansions, planted chinars and liad out various pleasure gardens around the Dal Lake and elsewhere.[20] The Mughal rule lasted until the middle of the 18th century when in consequenc s of the decay of the imperial power, the governor of the State became independent of Delhi.[21]

Thereafter it fell under Afghan despotism and the people were oppressed by a succession of governors from Kabul, each more cruel, than his predecessor. Their rapacity was inflicted on the people irrespective of religion or caste, and Hindus and Muslims were alike the victims of their cruel rule. It was said of them that they thought no more of cutting off heads them of plucking flowers. When

their yoke became insupportable, the Kashmiris turned for aid to Ranjit Singh whose rising star was then attracting the attention of India. As a consequence of this appeal the Sikhs sent an army to Kashmir in 1814, the advance being made over the Pir Panjal. The expedition was a failure and nothing further was done until 1819 when Ranjit Singh's best general, Misr Diwan Chand, accompanied by Gulab Singh of Jammu, invaded Kashmir and after driving out the Afghan representative, Jabbar Khan, established the Sikh rule. A terrible famine ravaged the valley in the early years of the Sikh regime. The Sikh rule had been similar to that of the Mughal. The governors for Kashmir were appointed from Lahore and as many as ten governors were sent there during the Sikh rule. They used to govern according to their own whims and caprices. Main Singh was the most popular Sikh Governor and the grateful memories of his exertions to repair still linger among the people. He was unfortunately assissinated by mutinous troops.[22]

While Kashmir was passing through the later vicissitude in its history a new power was growing in influence on the environs of the Valley. This was the authority of the Dogra Prince, Gulab Singh, one of Ranjit Singh's favourite Lieutenants. Created by Raja of Jammu in 1820 for services rendered to the Sikh cause , Gulab Singh by forde of character, speedily organised his territory on fire lines. Eventually he established a complete domination over nearly

all the regions between Kashmir and Punjab. Ladakh and Baltistan were also brought under his control with the result that Gulab Singh was practically master of all the territory immediately surrounding Kashmir.[23]

When war broke out between the British and the Sikhs, Gulab Singh refrained from taking sides and in 1846, after the battle of Sobraon, he acted the part of a mediator between the British and the Sikhs. The treaties concluded as a result of this intervention gave to the British, as equivalent of an indemnity of ten million rupees, the hill country between the river Beas and the Indus. Out of this ceded territory the British transferred to Gulab Singh, for sum of seven and a half million rupees, all the hilly and mountainous country situated to the east of the Indus and the West of the Ravi by signing the treaty of Amritsar on 16th March, 1846. He tried to consolidate peace in the otherwise deplorable conditions then prevailing in Jammu region. In February 1856, Gulab Singh gave up his throne in favour of his son Ranbir Singh. Gulab Singh died in 1857 and in 1860, his son and successor, Ranbir Singh sent a well-equipped expedition against the mutinous chief of Gilgit and the adjoining territories, and succeeded in finally establishing the Dogra hold on this outpost.[24]

In 1870 Maharaja Ranbir Singh sent his troops to Hanza and Nagar and obtained their vassalage. Later, when the Afghan war was in the offing and the Britishers were

anxious to isolate Afghanistan and eliminate any possible threat from Chitral, Maharaja Ranbir Singh was encouraged to send an expedition to Chitral and obtain its vassalage. Negotiations were opened between the army officers of the Maharaja and the Mehtar of Chitral which eventually resulted in a treaty between Aman-ul-Malik, the Mehtar and the Maharaja. According to the treaty the Mehtar accepted the suzerainty of the Maharaja and in token thereof agreed to pay annually a small tribute.[25]

It was thus towards the end of the 19th century that the Jammu and Kashmir state came into shape, the Maharaja's authority extending from Chitral in the North to Kathua in the South and Aksai Chin in the East and Kohala in the West. The state thus became the most important frontier region of India.[26]

Ranbir Singh was an excellent ruler, and a man of learning, culture and sharp intelligence. The close of his reign was darkened by the calamitous famine of 1877-79, which decimated the Valley. On the death of Ranbir Singh, in 1885 his eldest son, Pratap Singh, ascended the throne.[27]

Maharaja Pratap Singh had a tough time with the British Indian Government. In order to secure direct control over the State, they appointed a Resident who wielded unlimit-ted powers over the administration.

It was only towards the end of his long reign of forty years that some semblance of power was restored to him.[28]

During his regime education was modernised. Several schools and two colleges - one in Srinagar and another in Jammu were set up. Hospitals and dispensaries were opened. The valley was linked with the rest of the Country by two cart roads -- one between Srinagar and Rawalpindi and another between Srinagar and Jammu.[29]

Thus, with the spread of education and faster communications between the State and the rest of India, there began a ferment among the people and they became conscious of their economic and political stagnation.[30]

In the early twenties of this century, this discontent suffaced with political demands voiced by a few leaders in the State. They were no doubt influenced by the freedom movement launched by the Indian National Congress under the leadership of Mahatma Gandhi. But the abortive agitation was ruthlesslu supprrsed by the Maharaja who, however, passed away in 1925.[31]

During the region of Maharaja Hari Singh, was succeeded his uncle Maharaja Pratap Singh in 1925. The political consciousness had dawned on the entire length and breadth of the Sub-continent. As a result a continuous

struggle for freedom and democratisation of the administration in the state also started. It had its origin in the widespread discontentment among the Muslim masses who constituted 78% of the total population of the state and 49% of the population in the Kashmir Valley.[32] but had very inadequate representation in the state services as well as in the economic and industrial life of the state.[33] The bulk of the Muslim population were tillers, labourers and artisans - classes which were an excellent target of exploitation by the richer sections of the society.[34] Agrarian discontent and paucity of employment opportunities were thus the motivating force for the Muslim masses to agitate against the Dogra regime in the State. The process of presentation of demands and their half-hearted consideration by the government continued for some years, but without any tangible results coming out of it. It was in 1930 that a new organisation called the Reading Room Party was formed by a few Muslim graduates for discussing the problems of Muslim masses.[35] Meanwhile Sheikh Mohammed Abdullah, with post-graduate degree in Chemistry from Muslim University, Aligarh, and who was appointed as a teacher,[36] left his job after a few months and in collaboration with his friends founded the All Jammu and Kashmir Muslim Conference of which he himself became President.[37]

The party leadership demanded the establishment of a full responsible government in the State. The Maharaja, however, could not make any headway towards grant of responsible government to the people of the State. The political and economic situation was deteriorating fast and it was not, therefore, difficult for Sheikh Mohammad Abdullah and his small band of devoted workers to launch a mass movement against the Maharaja's autocratic rule. This was met with force - wholesale arrests, firing by the police and military and levy of punitive fines. But ultimately he had to yield and set up a legislative assembly with very limited legislative and executive powers.[38] This did not satisfy the leaders. Because of Sheikh Abdullah's nationalist outlook, his desire to fight for the entire state's freedom and people's fundamental right and to get the cooperation of all the progressive forces in the state, the Muslim Conference was converted into National Conference in 1939.[39] The National Conference adopted a programme of building up New Kashmir in 1944.[40] Sheikh declared that the future and independence of India inextricably linked with the future and independence of J&K Statd.

The struggle entrred into a crucial stage when the famous Quit Kashmir Movement for the transfer of power to the people was launched by the All J&K National Conference in May, 1946.[41] The state bureaucracy was bewildered at this

new slogan and full of vengeance decided to crush the movement. In spite of reign of terror, arrest, prosecution and deaths, the movementwas on the verge of success when the British rulers decided to partition British India by dividing Indian subcontinent into the new dominions India and Pakistan in August 1947, and making all Princely states independent and advising the princes to accede to one or the other of the new dominions, keeping in view the considerations of geographical contiguity. For most of the British Indian States, there was no question of option, their geographical position, economic neeeds and historical and cultural affiliations made their decision a foregone conclusion. Some of the states, which thought of going against these forces, were soon compelled by their people to make the correct choice.

The choice before J&K State was a difficult one because partition of India made Kashmir state geographically contiguous to both Bharat and Pakistan, besides Tibet, Sinking, USSR and Afghanistan. Moreover, the state was a Muslim majority state with a Hindu ruler inclined towards India. A majority of the inhabitants of the State was Muslim by religion. Pakistan ruler thought that state must accede to Pakistan. The Maharaja, therefore, could not decide the question of accession to either of the dominions rather entered into ~~stand~~ standstill agreement with Pakistan-

to get more time. Indian government however refused to enter the agreement unless it was approved by the people of the state first. Mr. Jinnah was in a dilemma and believed as the National Conference leadership was openly against his doctrine of two nations theory and looking more towards India, the people of the state would not accede to Pakistan. Pakistan authorities then used all sorts of tactics including communal incitement and infiltration of armed personnel to force the State accession to Pakistan but failed. Mr. Jinnah then became impatient and lost his balance as a result a massive attack in form of tribal invasion on defencelews Kashmir was launched on 25th October, 1947 to force its outright annexation. Meanwhile the Working Committee of the National Conference decided that the future of the State lay with India, approached the Government of India for help and whole-heartedly supported the accession of the State by the Maharaja to the Indian Union. The Maharaja was thus forced to accede India on 26th October, 1947.

On October 27, 1947, the Maharaja had appointed the popular leader of the state Sheikh Mohammad Abdullah of the National Conference, Chief Emergency Officer. On 5th October, 1948 a regular government headed by Sheikh Mohammad Abdullah was formed. A ticle 370 of the Indian Constitution, however, conferred a special status on the State of Jammu and Kashmir and it was thus the only state of the Indian Union which got the right to frame its own Constitution.

When the ceasc-fire which was brought about with the good offices of the United Nations in 1949, Pakistan refused to honour international agreement to vacate its aggression, the people of the State set-up on 31st October, 1951, Seventy-five members Constituent Assembly elected on the basis of universal adult franchise. The Consembly of Kashmir not only abolished the insitution of monarchy, ratified the accession of the state with India but adopted unanimously the new Constitution for the state in November, 1956. The Constitution comprised 158 sections and five schedules. Sections 1,2,3,4,5,6,7,8 and 158 pertaining to the title of the Constitution, definition, relationship of the State with the Union of India, territory of the State, extent of the executive and legislative powers of the state, definition of permanent residents, came into force on the 17th, November, 1956 and remaining sections on the 26th of January, 1957.

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THE LEFTIST AND RIGHTIST PARTY POLITICS IN JAMMU AND KASHMIR

For over the last several centuries, the organization and conduct of politics have been complicated by the development of Political Parties and specific institutions for legislation, administration and adjudication. In earlier days government was simple because the society was simple as it had static social s structtures, agraian economy and largely self-sufficient community of citizens. When the society of today has become highly urbanized, economy is geared up for industrial production and many oi citizens turn to government for the services, big governments are organised. As a result the opportunities for political conflicts have increased along with the economic development and created new values, attitudes, intrests and the proliferation of ideologies, reflects these fundamental changes in our way of life and in the organisation of our society and government.[1]

Owing to their important role in politics, contemporary political systems, whether totalitarin or democratic, developed or under-developed, large or small have turned to Party System as an essential institution of the political systems.[2]

However, Political Parties advocating political and social change run in a spectrum from Left to Right. Although these term still allow people and parties to place themselves in a contemporary sepectrum,

therefore, favour patriotism, traditions, strong government and non-interference by the state in the economic matters. In fact they are opposed to communism.[6] They are sometimes denounced for being reactionary, static, irrational, conservative and status-quoist.[7] Sometimes this term is associated with the people preaching religious fundamentalism as we see in the developing world.

The 'Left', on the other hand, is opposite of the 'Right'. It denotes negation, protest, revolt and aims at the overthrowing of existing order. The left desires change by negating, destroying or overthrowing of the existing system by denouncing it as irrational, obscurantist, utopia , romantic and the like. The 'Left' is, thus, generally understood to include those movements and parties that demand wider popular participation in government, push activity for reforms, and draw particular support from the disinherited, dislocated and disgruntled elements.[8]

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6. Languour Walter : A Dictionary of Politics, (Oxford University Press, 1964), p. 310.
7. Kenneth Krough, p. 445, op.cit., n.4, Ch. Introduction.
8. Ibid., p. 446.

Prof. Jha, while explaining the differences between the 'Left' and 'Right' concepts points out "The Left negates existing reality, the Right affirms it; the Left is revolutionary, the Right conservative; the Left needs utopia, the Right trick, the Left strives to change the actual conditions, the Right to idealise them, the Left adopts an attitude of permanent revisionism towards reality, the Right for opportunism, the Left stands for mobility, the Right for inertia, the Left for ideology, the Right for tactics, the Left clamours for adherence to principles, the Right for power and finally, the Left is provoked by conditions, the Right by the actions and threats of the life."[9]

The conceptual dichotomy between ideological Left and Right probably derived from earlier days of political organisation in England when the King, sitting in council, arranged his closest supporters near his right hand, typically the stronger of the two hands. The Right thus included his most trusted advisers and those responsible for various administrative tasks of the state. Those used to sit to the left of the king were not necessarily opposed to his rule but they frequently

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9. B.K. Jha, Marxism of the New Left, 'Indian Journal of Political Science, Vol. XXXIX. No.4, 1978, p. 539.

represented alternative points of view on governmental policies.[10]

Another version is that the Left-Right terminology came in politics from France sometime towards the end of the 18th century i.e. during the French Revolution of 1789 when the king and the parliament struggled for supermacy. Some are of the view that these terms go back to the days of the first French Republic when the deputies used to be seated according to their political coloration in a continuous semi-circle from the most antiroyalist, radical and equalitarian on the left to the most moderate, aristocratic and the kings strongest supporters on the right. The leftists were the persons who were interested in reforming French society and men through institutional measures whereas the rightist were the kings strongest supporters. In other words the identification of the Left with advocacy of social reforms and equalitarianism and the right with aristocracy and conservatism.[11]

10. Rodee Anderson, pp. 91-92, op.cit., n.2, Ch. Introduction.

11. S.M. Lipset, Political Man (Mercury Books London, 1960), p. 132.

For a long time the division of parties on 'Left'-'Right' bases did not exist because the parties were deprived of any real political life. Even their ideologies did not grow out of their own historical experiences but were to a large degree imposed upon them regardless of experiences. The division into 'Left' and 'Right' was drawn only when the political life of the party came into being. The split took place according to positions on the problems that always divided movements or political parties into a "Left" and a "Right".

But the terms "Right" and "Left" have different connotations in different countries suiting their respective political conditions.

In modern times, the British Labour Party is regarded as the party with the left leaning. This party advocates nationalization of the means of productions, greater spending on social services and high progressive taxation.[12] Its socialist objective is to use the power

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12. Michael Curtis, Comparative Govt. and Politics (Harjeet and Raw Publishers, London, 1978), p. 158.

of Jammu & Kashmir and the Social Relevance of Political Parties" contains details about the growth of political awakening among the masses of Kashmir from 1846 to 1932 and the emergence of political parties. This period had witnessed the dictatorial and authoritarian rule of the Dogra Maharajas, persecution, imprisonment and externment of sons of the soil who demanded political rights, emergence of an educated elite, because of opening of new Educational Institutions and missionary schools which imparted western type of education, demand for jobs by them, by ousting the outsiders from the Government services, a slogan "Kashmir for Kashmiris", formulation of state subject laws, return of some of the young inhabitants who had joined the Indian Universities for higher education and who had been politically culturised by witnessing freedom movement in British India, the riots of 1931, the appointment of different Commissions, representations to the Maharaja by different communities for the redressal of their grievances and ultimately grant of Maharaja's permission for the organisation of political parties in the State.

Before discussing the growth of Rightist Parties, which is a reaction to the national forces in the State, the researcher has tried to highlight the meaning of the terms 'Right' and 'Left' as prevalent in different countries of the world today. The 'Right' in England now a days is the Conservative Party as it stands for the

preservation of British Institutions such as Queen and the Commonwealth, Cherishes British traditions, believes in the improvement of the efficiency of the private sector while shielding the less-priviledged from exploitation and feels concerned for the middle and upper classes. But the Labour Party is regarded as the party with the left leaning because it advocates rationalisation of means of production, socialistic objectives, abolition of class-differences, equal distribution of the national income, the replacement of social injustice and exploitation by a happier and a more just set of social relationship in the capitalistic system. In the U.S.A. the Democratic Party is branded as the party with left image leaving the title of 'Right' for the Republican Party. In modern France, the left parties are communist and other socialist parties. The Communist Party is generally a working class party whereas Socialist Party is the defender of democratic institutions. The Gaullists, alongwith independents, on the other hand, represent the 'Rightist' forces. The Left and the Right have a long history in the U.S.S.R. Even at present, there are two strong factions in the Communist Party. Boris Yeltsin represents the leftist faction of the party and criticised Gorbachev for being half-hearted in his approach to many acute problems facing the country. Yegor Ligachev and Chebbrikov represent the Right wing of the Communist Party as they bitterly oppose the policy of reforms initiated by Comrade Gorbachev.

Thus, ~~The Communist party of India, in Kashmir~~,
(The Communist party of India; The CPI (M); The CPI (M-L) and Internatist Democratic party) have been the major leftist parties at work on the political scene of the state from time to ~~time~~ time during the last sixty years.

In the developing world these 'Left' and 'Right' terms have not been used and interpreted by the politicians in the same way as in the West and the Socialist World. The 'Rightist' parties in the developing world, including India, are fundamentalist in their thinking and behaviour, infuse and propogate religious feelings and exploit masses on the basis of religion. The left political parties, on the other hand, are those which support progressive policies and are anti-religious and anti-fundamentalist in their outlook as well as in behaviour and support secularism, democracy and progressive policies, public ownership, equal distribution of economic resources and liquidation of all sorts of exploitation. Thus, the Jammu And Kashmir Muslim Conference, Plebiscite Front, Awami Action Committee, Jammat-e-Islami Praja Parshid, Jan Sangh and Bharatiya Janta Party have been some of the major rightist parties at work on the political scene of the state from time to time during the last sixty years.

"A Study of the Rightist Parties" is another important chapter of this endeavour. With the help of empirical data, it throws a meaningful light on the origin, membership, organisational-structure, ideology and programme, support-base, leadership, finances and electoral performance etc. of the major Rightist Political Parties of the State. It may be pointed out here that there was no organised rightist party in the Ladakh region of

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THE COMMUNIST PARTY IN KASHMIR: ITS ORIGIN ,POLITICS AND ROLE.

The Communist Party is an All India Party and aims at the establishment of a socialistic socity on the basis of Marxism through capture of power by the workers and the establishment of a proletariate state. It is playing the same role in the Jammu and Kashmir state as [that of] its parent organisation in India.

However, the origin and development of the leftist ~~s~~ sentiments, feeling and ideas among the prograssive Kashmiris elites, initiated firstly by Dr. K,M. Ashraf-a leading Marxist intellectual from British India, were closely related to the Socio-Politico-Economic conditions prevalent in the state as early as I930. Moreover the Communist Party of India turned its attention to Kashmir in I937 when the two prominet Moscow-trained workers from Lahore -Prof. Abdullah Safdar and Fazal Illahi Kurban began visiting the valley frequently and contacted some of the leaders of the Muslim Conference..[II] For the first time, the Communist infilitration in Kashmir, thus, started in the wake of widespread arrests in British India of the Red workers in the earlier period of World war second, when a number of them had gone underground and sought refuge in various parts of the state.[I2] Ajaya Ghosh, Prof. Abdulla Safdar ~~Elahixx~~ Ehsay Elahi Qurban and seeral others~~x~~ prominent ~~commu~~ communists were among them.[I3]

Resolving not to have a regular unit of the Communist Party of India in the state, and functioning within the All Jammu And Kashmir National Conference in the form of Free Thinkers Club, Study Circle, Indo-Soviet-Frendship Society, ~~Trax~~ Trade Union Movement, Progressive Writers League, The National Cultural Front, Democrative National Conference etc. the comrades had tried to ~~inflxxxxxx~~ infuse the radical ideas ~~ax~~ among the Kashmiri intellctuals, Literary Circles and the then newly emerging leadership.

~~eral other prominent communists were among them~~[95]. In those days it was considered to be an act of patriotism to provide protection to every ememy of the British, and the National Conference workers of Kashmir provided valuable contacts to the Red leaders. G.M .Sadiq G.L. Dogra, G.M.Qarra and others were supposed to be the products of those contacts[96].

After 1942 the 'undergrounds came' overground'and were joined by a host of others and by then they had become the' favourities' of the British Govt.

In spite of the many favourable conditions under which the communists had worked in the state, they did not cut much ice during 1942-45 period. Neither their slogan of the 'People's war' nor their support to the Muslim League and its demand for Pakistan against Congress had brought them much credit, nor did it find favour with any of the Kashmir leaders. But there were ample opportunities for them to mix up with the political movements and their efforts were aimed at 'encircling' Sheikh Mohd. Abdullah and influencing him ideologically. The Bedis (B.P.L. Bedi and Freda Bedi) had already moved to Kashmir and had taken up speficially the job of 'encircling' the Sheikh[97]. In 1944 the National Conference adopted an economic programme popularly known as the new Kashmir Plan, which was widely regarded as having been drafted by Mr. B.P.L. Bedi.[98]

In May, 1946when Sheikh Mohd.Abdullah launched the Quit Kashmir movement against the ruler of the state, the communists enthusiastically supported him.[99] From 1946 onwards, it was all smooth-sailing for the communists in Kashmir. Most of them escaped the imprisonment net which Prime Minister, Ramchandra Kak had spread over the entire Kashmir Valley in the days of the 'Quit Kashmir' agitation. At a particular stage in the progress of the movement communists made a planned attempt, to infiltrate into the Jails. Some of them like Narinjan Raina, Moti Misra,R.C.Raina, Pran Nath Jalali and others, then studying in some of the Indian Universities, were summoned and asked to court arrest and to indoctrinate the national conference workers inside the Jails. G.M. Sadiq, who was at Lahore maintained the liaison with the Indian Comrades and interpreted the Quit Kashmir movement to the outside world.[100]

The relatives of the political prisoners were given an allowance out of the National Conference funds for their maintenance. But

it was mostly at the suggestions of the communist cells, formed inside the jails that the group outside, headed by Qarra, had doled out that favour[101]. These monetary inducements made the indoctrination within the jails more effective. Mr. Rajni Palme Dutt had also visited Kashmir to make his own contribution in the Quit Kashmir movement and paid tribute to Sheikh Abdullah calling him the most clear-headed leader of India. They not only tried to influence Sheikh Abdullah, but also made efforts to drive a wedge between him and the other non-communist leaders.[102] When Sheikh Abdullah urged the rules to restore democratic government to the people first and then decide, in accordance with their wishes alone, the problem of the state accession to India or to Pakistan in 1947, the communists supported Sheikh Abdullah's release before the decision on the question of the state's accession was taken.[103]

Even after the accession, the Communists party ardently endorsed the proposal for plebiscite in Kashmir. They supported the right of self-determination for the people of Kashmir and fight against all those who opposed it[104]. The following year'Crossroad' a communist weekly from Bombay supported the demand for Kashmir Independence as one which reflected the uttermost desire of the Kashmiri people and was made with the intention of galvanising them once again[105]. Jagan Nath Sathu pointed out that on accession issue, the opinion among the communist party members was divided. Majority of the Muslim Comrades favour Kashmir's accession to Pakistan whereas all the Non-Muslims advocated state's accession to India[106].

The fatal events of 1947 moved too rapidly to enable the communist to adjust themselves to the situation. The Communists in Kashmir did not find the situation favourable for state's accession to Pakistan, G.M.Sadiq went to Lahore and opened negotiations with Liaqat Ali. He conveyed to Pak leaders the attitude of Kashmiri people and their leaders particularly Sheikh Abdullah. But Pak-Leaders did not rely on Sadiq, and so they let loose the tribal hordes on the State, and thus closed all avenues of negotiations[107].

The transfer of power in British India was, however, followed by setting up emergency Administration in the State, in which communists got a representation out of all proportion to their importance of strength, G.M. Sadiq, M.D. Qarra and G.L. Dogra were the members of the Emergency Council[108]

For a while, the communists found the entire field in Kashmir lay blank for them to fill in. Sheikh Abdullah had gone to represent India at United Nations Organisation. Bakshi was exclusively devoted to the affairs of Jammu. Maulana Mohd. Sayeed, on the other hand, was at Uri-Handwara front-a bullet struck him and he was in hospital for treatment G.M. Sadiq officiated as the head of the administration in Srinagar. Two important institutions had sprung up the 'cultural Front' and the 'Militia,. Communists were busy in organising a kind of'Red Army' and ' People's Culture'. Comrades became 'Colonels'and'Brigaders'overnight.'Lots of rifles and ammunition were collected from the civilian sources, police stocks and Indian Army. More-over, at the time of retreat of the tribesmen from Kashmir State, they left behind them a considerable stock of arms and ammunition at Darhal in Rajouri district. Com. Krishan Dev Sethi and Com Trilok Chand were reported to have seized that stock and a portion of it was sent to the communists of Pakistan[109].

The new chapter was opened in the history of Kashmir in March 1948 with the swearing in of the popular ministers. The Reds at once adjusted their tactics to suit the new situation. They splitted into two groups. One headed by G.M. Sadiq and G.L. Dogra, who joined the Government, while other,led by G.M. Qarra, who played a role of opposition to the new regime. Though apparently opposed to each other, both groups were loyal to Communist Party of India and to international Communism. By and by two groups drifted apart for certain reasons. The issue of state accession was one of them. G.M. Qarra, Moti Misri and Pran Nath Jalali supported Pakistan but others opposed it. For bringing about a reconcialtion between the two Com Dhanwantri was deputed. By the influence of his personality, Dhanwantri was able to win the allegiance of M.A. Beg and Sardar Budh Singh. Thus in a Cabinet of eight, four-Sadiq,Beg, Budh Singh and Dogra-were grouped together under the leadership of Dhanwantri Sheikh Abdulla, also seemed to be impressed by the' Political integrity' and the intellectual superiority of this group over the other which consisted of Bakshi, Sham Lal Saraf, and Col. Pir Mohd. Moreover, the Bedis were also quite thick with the Sheikh; R.C. Raina, P.A. to Shiekh also played a role, in influencing him from the communist angle.[110] One version was that it were they who first injected the germs of the fancy of an'independent Kashmir' into the body-politics of Kashmir. They were

also responsible in splitting up our nationalism into' India' and' Kashmiri' and kept the two as mutually distinct and irreconciable as possible. In this game Comrade Dhanwantri palyed a very vital role.[111]

Jammu was represented in the Cabinet and in key posititons of the Administration by the communists who hardly possessed any representative character. They were said to be responsible for selection of National Conference candidates for the Consembly elections and the scandalous rejection of the nomination papers of the entire body of non-Conference candidates. This act not only aroused deep popular indignation in Jammu but also affected the representative character and quality of the Consembly[112].

Sadiq, who had little hope of getting the National Conference ticket for Consembly election because of unpopularity with the rank and file of the organisation was not only got elected but was made the President of the Consembly. The communists, thus, had occupied one of the highest office in the Government. The Consembly seemed to be divided into three groups-a Muslim Communal group with secret sympathies for Pakistan (Shamuri, Mubarak Shah and Assad-Ullah Mir reported to be the main members belongning to this group). The Communist group-led by Sadiq, while Beg, supported by Mir Qasim and his uncle Mirza Ghulam Mohd. was just in between the two groups and some assumed the role of a leader between the both, The Masoudi Bakshi Group was blamed for anti-communists and pro-Indian leanings. The first two groups besides having the leadership influence of M.A. Beg as a common factor between them in addition to other interests, wanted to keep Kashmir as far away from India as possible and both regarded the Masoudi Bakshi group as their common enemy. In March, 1952 Session of the consembly Mr.Masoudi came in direct conflict with the communal-communist group on the issue of appointment of Shanuri as permanent constitutional Advisor. The communist and communalists had eventually managed to persuade Sheikh to shunt Masoudi out to the Parliamment of India.[113]

The communists, however, favoured the right of self-determination on the part of the multi national and the pluralistic societies as they began to emerge as independent states in South-East Asia[114]. The party, therefore, favoured the right of self-determination to the people of Kashmir[115]. The party also sup-

ported the special status of Kashmir to enable to people fight imperialism and facilitate the abolition of land-lordism, the removal of Maharaja and above all its being remaining free from interference of the President of the Indian Republic[116].

Meanwhile a process of deterioration in the position of Kashmir with the rest of India had set in action. The politics of Kashmir was motivated mainly by a sense of parochial patriotism. The Kashmiri nationalism, started its rushing flow all too suddenly against the autocratic non-Kashmiri ruler. Sheikh Abdullah's attitude towards Jammu, the agitation of the Praja Parishad, the role of its sympathetic organisation in India, its reactons in the valley and their counter-reaction in India, the planned process of precipitating a conflict between "Kashmiri Nationalism"and" Dogra Nationalism"[117] had created conditions favourable for the disintegration of the State and disruption of the unity of its people. The Kashmiri nationalism was maintained at a high pitch by playing up mass sentiments against other non-Kashmiri element. As anti-Maharaja, anti-Pakistan and anti-Dogra sentiments which had been aroused as a consequence of it could no longer be in use for internal consumption after the establishment of the popular system of Government, but were directed to strengthen the communist current's which cut across the foundations of India's stability and solidarity and laid more and more emphasis on Kashmir being distinct and separate from India.The communists had acted all along as a catalytic agent in a planned process of percipitating a conflict between Kashmiri Nationalism and Dogra Nationalism on the one hand and between the former and Indian Nationalism on the other[118].

The communist party has more scope for growth in Jammu region than in Kashmir valley where National Confrence is the strongest party. There are various organisations such as the Kisan Sabha, Democratic Youth League and Peace Council through which communists seek to establish contact with the people and to create centres of influence and give direction to events in the state[119]. Besides a student organisation and a youth federation also function in the state under the supervision of the communist party.

7.18 THE PRAJA SOCIALIST PARTY

In 1954 a group of National Conference workers, led by Balraj

Srinagar : The Communist Party of India (Right) has travelled a full circle in getting back at the idea of "the fullest autonomy and democracy" for Kashmir.

The Party's General Secretary, Mr. C. Rajeshwar Rao, who was here recently on a week's "study tour", told newsmen that while his party favoured immediate release of Sheikh Abdullah and removal of restrictions on the movement of Mirza Mohammed Afzal Beg, the solution to the "Kashmir issue" could be worked out on the basis of an autonomous Kashmir. In order that this did not appear a firm commitment from his Party, Mr. Rao hastened to add that before any solution is arrived at, there should be a good deal of "lobbying and canvassing" after the Sheikh is released.

It is interesting to note that as far back as 1947, when the Communist Party attempted to weave a web around the Sheikh, the Communist Party workers like B.P.L Bedi and others were responsible for giving the Kashmir constitution the bias of a independent country's constitution. In this they ~~succeeded~~ suceeded quite eminently inasmuch as the Kashmir constitution adopted clauses enabling the State to have a separate flag, a Sadar-i-Riyasat and the like.

However, the Communists changed their stand in 1953 and were mainly responsible for the coup in which Sheikh Abdullah was dismissed and arrested. The Moscow-patriots saw in Sheikh's postures an attempt to precipitate an independent status for Kashmir. Since this was not acceptable to their ~~bp~~ bosses in Moscow, the Communists engineered a coup saying that the Sheikh had become a victim of "imperialist conspiracy".

In manipulating 1953 events in Kashmir, the Communists had envisaged a "complete take over" eventually. But they had face complete failure when the then Prime Minister of the State, Bakshi Ghulam Mohammed, began to clear his ranks of communists from 1955 onwards. The Indian communists were in a quandry because Bakshi Ghulam Mohammed condemned western moves for forcing a solution to Kashmir issue as vehementaly as he condemned the communist scheming in and outside Kashmir.

The Indian Communists were, therefore, left high and dry. They aimed their guns at the Bakshi before whom the progressives like Messers Sadiq, Qasim and Dhar appeared incompetent and ineffective. 1963 was staged. The loss of the holy relic from the Hazratbal shrine came in handy and the Communists approved the line adopted by Mr. G.M.Sadiq in demanding the abrogation of Article 370 of the Indian Constitution which guarantees special status to Kashmir. The Indian Communists supported Sadiq in demanding fuller integration of the State with the rest of the country. Evidently, this was not really what they meant. For after Mr. Sadiq took over, the Indian Communists have not forced the implementation of the abrogation of ~~xxxxxxx~~ Article 370 and the rest. The game was complete with the elimination of Bakshi from the political scene. For the Communists, the battle was half one as "comrades got into office".

Since 1964, however, even while some communists were inducted into State politics by Messers Sadiq and Qasim, dissatisfaction with the administration has gone on mounting. Hardly any year has passed without trouble. In 1964, the Kashmir valley was held to ransom by Sheikh Abdullah and Maulvi Farooq. In 1965, the armed Pakistani infiltrators were around Srinagar necessitating a full-scale Indo-Pak war. 1966 was the year of drought in Jammu and floods in the

valley. And as 1967 seemed to passing off peacefully, the valley witnessed the month-long Pandit agitation and the recent pro-Pakistan student trouble, in both of which about ten persons lost their lives. Apart from this miserable law and order situation, Jammu and Kashmir has witnessed "new proportions" in corruption and maladministration as was clear during the last session of the State Legislature. During recent trouble, all the opposition parties in the State including the Plebiscite Front, accused the ruling Congress of having fanned communal disaffection. The discontent with the administration reached the stage of the three wings of the State - Jammu, Kashmir Valley and Ladakh - clamouring for regional autonomy.

The Communist Party of India could not afford to be blind to these facts. Mr. Rajeshwar Rao is understood to have agreed with his local men that the Sadiq Government had miserably failed and it must be got rid of. He is further understood to have enlightened his local boys that "an old communist is more dangerous than an anti-communist".

In this context what is surprising is Mr. Rao's aversion to the suggestion of imposition of President's Rule in the State. In his talks with the State Chief Minister, Mr. Sadiq, Mr. Rao is, however, learnt to have not ruled out the possibility of Government of India clamping President's Rule in the State. When Mr. Sadiq maintained that the step would invoke international wrath, Mr. Rao is learnt to have told Sadiq that he had better clear his mind of such logic after the Pakistani attack on Kashmir of 1965.

Whatever the communist designs on Kashmir on the idea of "fullest autonomy and democracy", their acceptance of the "total failure" of the Sadiq Government is important. Much as they would not have liked to admit it, they have done so. The compelling intensity of the circumstances now prevailing in Kashmir must be judged by this.

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The formation of the Communist party of India Unit in the state, however, took place in January 1965. 126

Proceeding initially with the slogan for sovereignty of each nationanlity[119] with a right to secede, to limited accession via independent Kashmir[120] and finally integration of states with Indian republic,[121] liquidation of all sorts of exploitation of all the poor and depressed,[122] corresponding to well known phases in the national and international communist strategies,[123] the left movement in Kashmir not only varied in the form of shape and shades from time to time, but also had deeply influenced the political life of the state since 1930's.[124] The formal formation of the C.P.I. Unit in the state, however, took place in January, 1965.

The Communist Party of India itself then consisted of two groups i.e. one Pro-China and another Pro-Soviet. After the Sino-India war of 1962, a serious inner party struggle occurred in the international communist movement. The group led by Sh. S.A. Dange supported the Nehru government and opposed

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119. People's Age; May 5, 1946.
120. The Cross Road; May 20, 1949.
121. Interview with Joginder Singh an advocate and Communist activist on 20th September, 1993.
122. People's Age; March 21, 1948.
123. Interview with Peer- Giyas-ud-din, on 21st November, 1993.
124. Gupta Renu: Left Movement in India - A Case Study of Jammu & Kashmir, an unpublished Ph.D Thesis submitted to the University of Jammu in 1990, p.431.

the Chinese Communist Party, while the other group led by P. Sundraya and Jyoti Basu supported the Chinese Communist Party in the name of upholding the proletarian internationalism. Such struggle within the C.P.I., ultimately crystallised into a split. The Pro-Chinese faction formed the C.P.I. (M) in 1964, while the Pro-Soviet faction remained in the C.P.I.[37] [125]

Such a split in the C.P.I. at the central level had its impact on the Communist cadres at the state level also. Mr. R.P. Saraf and Mr. K.D. Sethi, the two prominent Communist leaders in the state, changed their allegiance to the newly formed C.P.I. (M) and established its regular branch in 1964. They joined it alongwith their organisation and supporters. The rest of the communists remained affiliated with the C.P.I. and formally established, as already mentioned, its unit in 1965.[38] [126]

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125. Interview with R.P. Saraf, on 19th May, 1993.

126. Interview with Jogindeer Singh on 20th September, 1993.

It can be argued that C.P.I. Unit in the state was formed later and C.P.I. (M) Unit earlier unlike C.P.I. and C.P.I. (M) at the centre.[127]

In 1967, again there were differences inside the C.P.I. (M) at the national level. A group of revolutionary communists in India were, however, of the view that the revolt in Naxalbari had proved that communist revolution could only be spread by means of violence and by the philosophy of individual annihilation.[128] As a result, a split in the C.P.I.(M) occurred in 1969. The revolutionary group led by Charu Majumdar came out of party and formed C.P.I. (M.L) party in the same year.[129]

At the micro-level, the revolutionary comrades in the state not only welcomed the formation of C.P.I. (M.L) in India, but favoured the dissolution of the C.P.I. (M) unit in the state. As a result, the State Unit of C.P.I. (M) was dissolved and C.P.I. (M.L) unit at the state level was established. With this comrades led by R.P. Saraf and Krishan Dev Sethi joined the

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127. Gupta Renu: Left Movement in India - A Case Study of Jammu & Kashmir; Op.cit., p.127.
128. Interview with Ved Paul Deep, on 16th July, 1993.
129. Indian Express; July 23, 1967.

A meeting of party's Executive Committee, under the chairmanship of Mr. K.D. Sethi, was then convened where Mr. R.P. Saraf was accused ~~alleged~~ of indulging in anti-party activities,

Maoist Movement in the State and adopted the future plan.

The cracks in the top leadership of the state unit of C.P.I. (M.L) came to surface regarding the evolution of a clear line of action for the party on the basis of peculiar condition prevailing in the state. Krishan Dev Sethi suggested to keep the party activities in abeyance for the time being as the people were not yet ready for proper revolution.[131] But Ram Piara Saraf did not agree with his views and took stand that when the C.P.I. (M.L) was in the thick of struggle and its cadres were under a brutal attack of the Indian State, it would not be advisable to leave the movement to confuse the cadre.[132] As a result, in the Executive Committee meeting of the party, presided over by Shri Krishan Dev Sethi, it was resolved to suspect R.P. Saraf of indulging in anti-party activities, such as self-aggrandisement, victimisation and misuse of party funds, arbitrarily closing down of Jammu Sandesh, the party organ and not convening the meeting of the Executive.[133]

Thus the rift between the two factions of C.P.I. (M.L) headed by Comrade R.P. Saraf and Comrade K.D. Sethi came open. Comrade K.D. Sethi became the follower

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131. Ibid.
132. Interview with Ram Piara Saraf, on 19th May 1993.
133. The Tribune; March 13, 1970.

of Kanu Sanyal, Mao-tse-tung and Satya Narayan Singh[134] whereas R.P. Saraf faction followed the policy and programme of Charu Majumdar and Lio-sho-chi of China.[135] All this led to a split in the C.P.I. (M.L) at the state level in 1970. Comrade K.D. Sethi and his followers, therefore, revived the Democratic National Conference (D.N.C.) with the programme and policy of C.P.I. (M.L).[136] R.P. Saraf, on the other hand formed the Proletarian International, which functioned as a unit of C.P.I (M.L) in the state.[137]

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134. Interview with K.D. Sethi, on Ist November, 1992.

135. Interview with R.P. Saraf, on 19th May 1993.

136. Ganjoo Satish: Kashmir Politics; Anmol Publication, New Delhi, 1990, p.61.

1) "A Red Volunteer Corps be organised to educate

2) Revolutionary Peasants Committee be formed in every village to implement the party programme and build mass movement among peasants;

3) The Mao's thoughts be propagated among masses and propaganda be made to establish friendly relations with China;

4. To expose the policy and activities of Communist party of India (Marxist).

5. Boycott the elections; and

6. Introduce trade unionism among labour to wipe out exploitation by the government and capitalists."

137. Interview with R.P. Saraf, on 19th May, 1993.

The death of Mao-tse-tung in 1975, the subsequent sweeping change in China in 1977 and the replacement of Pro-Maoist leadership by the anti-Maoist leadership had their impact on the Communist Movement of India as well as that of Jammu and Kashmir.

R.P. Saraf and his like minded colleagues came to the conclusion that the present trouble in the world Communist Movement expressing through revisionist take over of the leadership in U.S.S.R. and in China were mainly due to the fact that Marxism and Leninism had not been properly applied and stalinist modifications in them to build a socialist state in U.S.S.R. was the root of all trouble in 'World Communist Movement'. They were of the view that certain theoretical and practical contradictions might be witnessed when Marxism and Leninism were put into actual practice. They were also of the view that the world reality had also undergone a change. As a result, both the Communist and Western Liberal models were increasingly becoming irrelevent and the process of globalisation had been spreading fast. Thus R.P. Saraf and his colleagues formulated a new theoretical and practical platform and established a new party

namely Internationalist Democratic Party in the State in 1986.[138]

Thus the researcher has found that, as far as splits within the Communist movements were concerned, they have been purely ideological. The split between R.P. Saraf and K.D. Sethi was ideological but also pertained to be organisational part. As such both believed in the programme and policies of the C.P.I (M.L).

The split within the State Communist parties not only slackened the growth of Communist Movement in the State but also strengthened the Right-wing and the Centrist parties and the power brokers who by isolating the leftist forces, rose to the prominent position in the power politics of the State.

138. Interview with R.P. Saraf, on 19 May, 1993.

"It was not a mass party, but a cadre-based and open party. Its object was social advancement of the world and the establishment of the world democratic state based on the principle of equality of nations."

opposed the adoption of Resettlement Bill by the State Legislature. Moreover, they welcomed the dismissal of Dr. Farooq Ministry in 1984, Mr. Shah's Ministry in 1986, they also opposed the rise of fundamentalist militancy in the state but not the Rajiv-Farooq Accord of 1987.

We may perhaps be justified in concluding ~~this study~~ by saying that, unlike the Communists in India, the Communists in Kashmir flourished, remaining within the womb of the Kashmiri's fight for freedom and under the patronage of the different governments which came in power in the state since independence. The dynamism of left orientation and a few landmarks like the New Kashmir Manifesto, Protection of Tenants Rights, Big Landed Estates Abolition Act, State's Limited Accession with the Indian Union, the special status to Kashmir in Indian Union, convening of separate Consembly for drafting a separate Constitution for the state, abolition of monarchy and elected head of the state, separate flag and emblem and subsequent land reforms etc. were the result of the left movement in the state. The leftist revolutionary groups did not function in a helter-skelter way. They were properly organised ideologically. Inspite of the fact that the leftists

ceased to have a strong hold in the state politics and the support of the masses when they came out from the ruling parties and formed their own organisation, yet they were quite successful in radicalizing the Kashmir politics.

In short from sovereignty of each nationality with a right to secede to limited accession via Independent Kashmir and finally to integration of the State with the Indian Union, liquidation of all sorts of exploitation of all the poor and the depressed classes, corresponding to well known phases in the national and international communist strategies, the instruments of the left movement in Kashmir have varied. It is, therefore, misleading to say that the Left Movement has not at all influenced the politics in J&K state. On the contrary, Kashmiri leadership was among the first to come under the influence of the Left Movement.

THE RIGHTIST POLITICAL PARTIES IN JAMMU AND KASHMIR

The people of the state of Jammu and Kashmir have generally been moblized in such a way that they lay more emphasis on ethno-religious considerations and ignored cultural, regional and economic factors, Due to the concentration of the people of one community in a particular region, religion and x region have become almost synonymous. Any movement in Jammu region, therefore, would ultimately be identified with the Hindus and in the valley with the Muslims. Thus, the formation and shaping of most of the Political Parties in the state, rightfx from the very beginning has been greatly determined by the factor of religion. For instance, The Muslim Conference in the Kashmir valley was organised to give direction to the Muslim of Kashmir and The Praja Parshid came into existence to xepxx represent the Hindus of Jammu. In fact, the rightist parties in Kashmir valley arose as a reaction against the autocratic rule of Hindux inxJammuxregion Maharajas and the rightist orgation organisations of Hindus in Jammu region arose as reaction to the rightist movement ix the Valley.

Thus, Muslim Conference, Plebiscite Front. Awami Action Com Committee, Jamat-e-Islami, PrajaParshid, Jan Sangh, Bhartiya Janta Party, have been the most promdnent Rightist Parties at work on the political Scene of the state from time to time ~~in~~ during the last sixty years.

But there is no organised rightist party in the Ladakh region of the state. There may be some unorganised splinter groups which xx too wanted that Ladakh should be a centrally administered area.

~~There is, therefore, a clear cut demarcation between the rightist political parties of Jammu region and those of Kashmi valley in so far as their ideologies, aims, leadership, suppot base etc. is concerned~~

the Jammu and Kashmir State. There may be some unorganised splinter groups which too wanted that Ladakh should be a certrally-administered area.

~~From this analysis it becomes abundantly clear that~~ there is, therefore, a clear-cut demarcation between the rightist political parties of Jammu region and those of Kashmir Valley in so far as their ideologies, aims and objectives, support-basis and activities are concerned. The Rightist Parties of Jammu stand for the protection of politico-socio-economic interests of the people of this region and fight against the chauvinistic tendencies of the Muslim majority of the state, particularly from the Valley. They believe that their destiny lies in closer ties with the Indian people. The 'Rightist Parties' of the Valley, on the other hand, lay stress on safe-guarding the identity and rights of the Muslims of the state. They also want effecive checks against the onslaughts of secular forces represented by India. They are so strongly mobilized and instigated against chauvinistic tendencies of the Indian nationalism that they even advocate secession from the Indian Union. They also preach Muslim fundamentalism and make free use of Mosques for their activities. Whereas the 'Rightist Parties' of Jammu have their strong-holds in the Hindu dominted belts of Jammu region, their counter parts in the valley bank on the support of Muslims of Kashmir as well as the Muslim-dominted belts of the Jammu region. The 'Rightist Parties' in Jammu raise their funds from the

membership fee as well as from donations received from their patrons.[49] But the rightist parties of the valley in addition to their internal resources, have been reportedly receiving huge funds in the shape of petro-dollars from the Gulf Countries in the name of spreading Islamic culture.[50] The 'Rightist Parties' in both the regions, however, differ in their organisational structures to a large extent.

"Role of the Rightist Parties both inside and outside the Legislature" may perhaps aptly be described as a key chapter of this study because without taking an adequate account of the critical role played by its 'Rightist Parties' no real academic pursuit to analyse or evaluate the dynamics of Kashmir politics of today can be possible. Their role has been studied in the light of major political issues which were not only confronted by the people of Kashmir from time to time since independence but also have created irrittions, tensions, conflicts, confrontations and political turmoils in the diferent regions of the state as well as between the State and the Centre.

The popular sentiments of Dogras in Jammu region, believing the Hindu Maharaja to be the symbol of their security against the majority population of Kshmir.region, linked their fate and security with him and sided with him in his attempt to retain more and more

powers in pre-independence period. It seemed to them that the prospect of democracy would be nothing more than being exposed to the whims of a permanent majority of Kashmiri Muslims and their leadership. They, thus opposed the very basis of Kashmir's struggle for freedom. Moreover, the open condemnation of Dogra rulers by the Kashmiri Nationalists, not only created but hardened their distrust against the Kashmiri leadership. They, therefore, opposed every political move from the valley without evaluating its plus and minus points and played a negative role throughout the period of struggle for freedom in the Kashmir State.

In order to have a greater security against the Maharaja's arbitrary authority, the Kashmiri nationalists in general and Kashmiri Muslims in particular, struggled for the establishment of a responsible government in the state. They perceived their security only in democracy which among other atributes, meant a majority rule.

However, the post-independence politics of Jammu witnessed both inter-regional and intra-regioal conflicts. Believing in the fact that security lies with Indian Union, the Dogras of Jammu demanded more close ties with the Indian Union. They pleaded for transfer of more and more powers from Kashmir to Delhi rather than

from Delhi to Kashmir.

But due to their minority status as against Hindu majority of India, the Kashmiri nationalist, on the other hand, followed the policy of retaining the maximum autonomy and stood for limited accession of the State with the Indian Union.

The divergent positions taken by the Dogras of Jammu and the people in the valley have also been, reflected in the attitudes and policies pursued by the 'Rightist Parties' of these two regions of the State towards the major political issues confronted by the people from time to time, particularly since 1947.

The 'Rightist Parties' of Jammu, therefore, not only opposed the limited accession of the state with the Union of India but stressed that it should be unconditional, full and final and not be linked with the promise of a Plebiscite. They strongly objected to the incorporation of Article 370 in the Constitution of India, convening of Kashmir's consembly to draft a separate constitution for the state, the haphazard manner in which the land reforms programme was taken up, abolition of monarchy and election of Dr. Karan Singh as first Sadar-i-Riyasat, a separate flag and emblem for the state, Delhi Agreement of 1952, the adoption of Kashmir's Constitution of

1957, Indira-Sheikh Accord of 1975 and return of Sheikh Abdullah to power again, Resettlement Bill, and Rajiv-Farooq Accord of 1986. They believed that all above-mentioned endeavours would take the state further away from the centre and would not only demoralise the patriotic and integrationist forces but also encourage separatists, autonomists as well as secessionist forces in the State. These parties, however, welcomed the arrest of Sheikh Mohammad Abdullah in August 1953, extension of more central laws to the state, the change of nomenclature of Prime Minister and Sadar i-Riyasat into Chief Minister and Governor, dismissal of Dr. Farooq Abdullah's ministry in 1984 and Mr G.M. Shah's ministry in March 1986. Perhaps they believed that these measures would further reduce the gulf between the state and the centre.

The 'Rightist Parties' in the valley, however, strongly contested the accession of the state with the centre and stressed that this issue was still alive and could only be decided by the people of the state through the free exercise of the right of self-determination in a Plebiscite. Some of them even blamed Sheikh Abdullah for linking the fate of Kashmir with India for his own petty personal interests. As they refused to recognise the state's accession to India, the Article 370 of the Constitution of India granting special status to Kashmir was irrelevant to them. They

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strongly opposed the setting up of the state constituent Assembly because it would deprive the people of Kashmir of their right of self-determination and the election of Dr. Karan Singh as Sadar-i-Riyasat (first head of the State). They also opposed the arrest of Sheikh Mohammad Abdullah and regarded it as a coup and the first act of the murder of democracy. The Kashmir Constitution of 1957 thrust on them by the fascist clique represented by Bakshi Gulam Mohammad, was totally unacceptable to them. The extension of central laws, the charge of nomenclautre of Sadar-i-Riyasat and Prime inister, the merger of National Conference into Congress(I) and ouster of Dr. Farooq Abdullah ministry, the dismissal of G.M. Shah ministry, the imposition of Governor's role and finally Rajiv-Farooq Accord did not find any favour with these parties. They, not only branded Rajiv-Farooq Accord as a friendship between a "Kafir" and a Muslim but also described it as a "division of spoils". They, however, welcomed land reforms, abolition of monarchy, (as it was a relic of the fedual system-based on exploitation and against the aspirations of the Kashmiris) and adoption of a separate flag and emblem for the state (as these symbolised the success of Kashmir's struggle against the century old Dogra autocratic rule). They believed that Delhi Agreement was a step towards the further confirmation of maximum state autonomy. They welcomed Indira-Sheikh Accord of 1975 and return of Sheikh Abdullah to power again, and also the Resettlement Bill because of human values involved in it.[51]

In order to understand the role played by the Rightist Parties in the politics of Jammu and Kashmir, one should have an adequate knowledge about their origin, organization, ideology, support base, leadership, electoral performance, etc. Some of them are pre-date or have emerged soon after the independence of the state from the autocratic rule of the Dogra dynasty. Others such as Muslim united Front, are of a recent origin on the political scene of the state. It is, however, evident that the Rightist Parties have come to stay as a prominent and durable feature of Kashmir's political landscape. This development is natural and may very well have been anticipated in a vast and variegated but geographically, culturally, racially, linguistically and ethnically heterogenious state with three principal socio-cultural and disparate regions: Jammu, the Kashmir valley, and Ladakh. In other words combined alchemy of history, culture, religion, language and economy has given a unique identity to each of these regions and each of them has become the homeland of distinct ethno-national and religio-cultural community. In fact, various regions of the state have their distinct regional and political personalities and political and emotional divergence between them have been growing over the years.

The Rightist parties in the state also provide the channel through which religio-cultural and ethnic identities find expression and their aspirations and demands are articulated and aggregated. They not only exploit local sources of discontentment but also press a variety of primordial demands based on religion, region, Caste and culture. Most of them have no hope of capturing power or being able to play a decisive role at the centre. They simply perceive themselves to be an essential pressure group for promoting and protecting the interests of religious and regional communities. They, therefore, moblize local support by playing up real or imagined feelings of discrimination or depreivation. In short, each Rightist party in the state of Jammu and Kashmir has not only religio-cultural or regional support base but also has religio - cultural issue orientation.

All Jammu and Kashmir Muslim Conference

The popular upsurge started by Sheikh Mohammad Abullah and his associates in the Reading Room culminated in the birth of a political organisation.[1] The venue for its inception was the Pather

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1. Gupta, Sisir,: Kashmir - A Study in India - Pakistan Relations Bombay, Asia Publishing House, 1966. P. 52.

We may perhaps be justified in concluding this study by saying that the 'Rightist Political Parties' in Jammu region and their counterparts in the valley followed quite opposite directions due to their respective constraints, considerations and compulsions, both, in one way or the other, impending the nation-building process in the state of Jammu and Kashmir. One of the serious impacts of this prevalent phenomenon is that the story of Kashmir's Constitutional relationship with India is still an incomplete story of adjustment of respective sphere of power between federal polity and a Constituent Unit. The study, thus reveals the hazards of nation-building in the developing world where plurality of religion culture, geographical factors etc. have erected strains and stresses in the adjustment of inter-regional as well as intra-regional constitutional relationship.

1. Rodes, Anderson, christol Green : Introduction of Political Science
McGraw-Hill Kogaka Usha Ltd London 1976 P-91

2. Almond, Gabriel A, Powell G.B: Comparative politics - A Developmental Approach
Amerind publishing Co. N.Y. 1966 P-113.

~~3. Gramston: The New Left London Badly Head 1970 London P-13.~~

3. Kenneth, Krough: The political Thought Since World war II
the Free press of N.Y. 1964 P-465

References

1. Singh, B.P : A Dictionary of Modern politics And political Sociology
Mital publications, Delhi 1967 P. 179

2. Anderson, Rodee ; Greene, christol : Introduction of political Science
McGraw-Hill Kogak Usha Ltd London 1976 P-91

3. Krough, Kenneth : political thought ~~Science~~ Since world war-II
The Free press of Geneve, N.Y 1964 P-445.

4. Gramston : The New Left
Badly Head London 1970 P-13.

5. Walter, Languous : A Dictionary of politics.
Oxford university press. 1964 P-130

6. Krough, Kenneth : political thought Since worldwar-II
op. cit. P. n. 4.

7. Ibid P 446.

8 Jha, B.K : Marxism of the New Left Article
Indian Journal of political science
NO. XXXIX Vol 4, 1978 P-539.

9 Andeson, Rodee ; Greene, christol : Introduction of political Science
op. cit. P. n. 2.

10. Lipset, S.M : political Man
Mercury Books London 1960 P-132

~~11. Curtis, Michael : Comparative Govt, and politics.~~
~~Harjeet & Raw publishers London~~
~~1978 P-158.~~

61. *Sheikh Mohd. Abdullah—His Life and Ideas*—a phamplet issued by Department of Information (Publication Unit) J&K Government, year not mentioned, p.4.
62. Constituent Asembly for Jammu and Kashmir. A resolution adopted by the General Council of all Jammu and Kashmir National Conference on the 27th October, 1950, published by B.P. Sharma, Principal Information Officer, Jammu and Kashmir Government, year unknown, p.5.
63. Diwan Chaman Lal Broadcast on All India Radio, Bombay on 1.11.1951.
64. Bhushan, Vidya, *State politics and Government, Jammu and Kashmir. Op. Cit.*, p.
65. *Ibid.*, p.
66. *Ibid.*, p.
67. Constituent Assembly Debate Vol. IV No. 4 dated 6th February, 1954, p.48.
68. Basu, D.D., *Union Jurisdiction Over Jammu and Kashmir*
69. Bhushan, Vidya, *State politics and Government: Jammu and Kashmir. Op.Cit.*, pp. 332-333.
70. *Ibid.*
71. *Ibid.*
72. The Times of India of 30th June, 1964.
73. Koul, Santosh, *Evolution of the Constitutional relationship between Jammu and Kashmir State and Indian Union.*, Ph.D. Thesis, unpublished, University of Jammu, 1972, pp.146.
74. *Ibid.*
75. *Why National Conference*, a pamphlet issued by Publicity Department of Jammu and Kashmir, National Conference.
76. Singh, Dr. Balbir, *State Politics in India. Op. Cit.*, p.56.
77. Saraf, Mohammad Yusuf, *Kashmiris Fight for Freedom. Op. Cit.*, p. 525.
78. *Ibid.*
79. Sathu, Jagan Nath, *Behind the Iron Curtains in Kashmir. Op. cit.*, pp. 10-11.
80. "*Why National Conference*"—a Pamphlet issued by Publicity Department of Jammu and Kashmir, National Conference.
81. Sathu, Jagan Nath, *Behind Iron Curtains in Kashmir. Op. Cit.*; p.14.
82. *Ibid.*, pp. 16-19.
83. Gupta, Jyoti Bhushan Dass, *Jammu and Kashmir*. 1968, op.cit. p.228
84. *The Times of India* dated 7.9.1957.
85. Gupta, Jyoti Bhushan Dass *Jammu and Kashmir. Op. Cit.*, p. 228.
86. *Ibid.*, p. 229.
87. Singh, Balbir, *State Politics in India. Op. Cit.*, p. 78.
88. *Indian Express*, dated 20.10.1957.
89. Bamzai, P.N., *History of Kashmir. Op. Cit.*, p. 728.
90. Gupta, Jyoti Bhushan Dass *Jammu and Kashmir. Op. Cit.*, p. 268.
91. *Ibid.*
92. *Ibid.*, p. 269.
93. Noorani, A.G., *The Communist's Role in Kashmir.* An article published in Indian Express, July 14, 1970.
94. *A Study of the Communist Movement in Kashmir*—a booklet issued by Jyoti Prakashan Ghaziabad (UP), p. 1.
95. *Ibid.*
96. *Ibid.*

97. *A Study of Communist Movement in Kashmir. Op. Cit.*, p.2.
98. Noorani A.G., *The Communist Role in Kashmir. Op. Cit.*
99. Noorani, A.G. *The Communist Role in Kashmir. Op. Cit.*
100. *A Study of the Communist Movemenet in Kashmir. Op. Cit.*, p. 2.
101. *Ibid.*
102. *Ibid.*
103. Noorani, A.G., *The Communist Role in Kashmir. Op. cit.*
104. *A Study of the Communist Movement in Kashmir. Op. Cit.*, p. 4
105. Noorani, A.G., *The Communist Role in Kashmir. Op. Cit.*
106. Sathu, Jagan Nath, *Behind the Iron Curtains in Kashmir. Op. Cit.*, p.3.
107. *A Study of the Communist Movemenet in Kashmir. Op. Cit.*, p. 3.
108. *Ibid.*
109. *Ibid.*
110. *Ibid.*, pp. 5-6
111. *Ibid.*
112. *Ibid.*, p. 9.
113. *Ibid.*, p. 10.
114. Jain, J.P., *Soviet Policy Towards Pakistan and Bangladesh*, Radiant Publishers, New Delhi, 1974, p. 127.
115. Nizami, Tenafiz Ahmed, *The Communist party of India's Foreign Policy*, Associated Publicating House, New Delhi, 1971, p. 51.
116. *Ibid.*, p. 167.
117. Bhushan, Vidya, *State Politics and Government: Jammu and Kashmir. Op. Cit.*, pp. 183-184.
118. *A Study of the Communist Movements in Kashmir. Op. Cit.*, p.11.
119. *Indian Express*, 15th July, 1970.
120. *The Gazetter of Jammu—A rought draft*, p. 1718 (unpublished).
121. *Ibid.*
122. *Ibid.*
123, *National Seminar on the Indian National Congress* 1885-1985, Souvenir Editorial Note.
124. *Ibid.*, p. 3.
125. *Varnika*—104 years of Indian National Congress, Vol.11, No. 5 May 1985 AICC (I), 24, Akbar Road, New Delhi-110009.
126. *National Seminar on Indian National Congress* 1885-1985 Souvenir Editorial Note.
127. *Ibid.*
128. *The Times of India* dt. 30th June, 1964.
129. Koul, Santosh: *Evolution of the Constitutional Relationship between J&K State and Indian Union* op.cit. p.146.
130. *The Link* 11th June, 1972 p. 24.
131. *The Statesman* 16th January 1972.
132. *The Indian Express* of 25th February 1975.
133. Khan, Abdi Hussian: *Life of Sheikh Abdullah on openbook*, published Abdul Hussain Khan, Hyderabad, p.1.
134. Puri, Balraj: *Abdullah vs. Congress-I* Economic and Political Weekly Vol. XV No. 26, June 26, p. 1095.
135. Qureshi, Z.H): Elections and State Politics of India, Sandeep Parkashan, Delhi 1979, p. 67.

37. Gupta, Ranu: Left Movement In India: [illegible] case study [illegible] Jammu And Kashmir
ph. D. Thesis, University of Jammu. 1990. P. 141

38 Ibid

39 Ibid P-127.

40 Risam, Ravinder Singh: political parties - split, Merger And Alliances: A case study of Jammu & Kashmir post Independence
p.h.D. Thesis, University of Jammu 1994. P. 143

41 Ibid. ~~P 143~~
42. Ibid P-144
~~42. Indian Express, July 23, 1967.~~
~~42. Indian Express, July 23, 1967~~

~~43~~
43 Ibid P-. 145
44. The Tribune, March 13, 1970
45. Risam, Ravinder Singh: political parties - split, Merger And Alliances: A case study of Jammu & Kashmir post. Independence op. cit P. 146.

46. Ibid
47. Ganjoo, Sahib: Kashmir Politics
Anmol publications New Delhi, 1990 P-61

48. Risam, Ravinder Singh:
op. cit. P-146

49 Singh, Narinder: party politics in The State of Jammu & Kashmir: A case study of The Rightist parties
ph.D Thesis, University of Jammu, 1990 P. 270

50 Ibid.
51 Ibid P. 2 755

POLITIO-HISTORICAL PROFILE OF JAMMU AND KASHMIR STATE — A BRIEF APPRASIL

Kashmir can claim the distinction of being the only region of India which possesses an uninterrupted series of an ancient Sanskrit written records of its history, reaching back beyond the period of the Muhammadan Conquest and deserving the name of real Chronicles[1]. Kashmir has therefore, a Sanskrit chronicle tradition which is unique in Hindu India and reminiscent of chronicles of the muslim world or medieval Europe[2]. The earliest extant and most important of these chronicles is the Rajatarangini (i.e Stream of kings) compiled by Kalhana in about A.D. 1150. Kalhana had given an account of the region upto A.D 1006, whereas Johraj upto A.D 1420, Pandit Srivara upto A.D 1489, and Pragya Bhatt upto A.D. 1586 when Kashmir was annexed by the Great Mughal Akbar[3]. Since then the history and chronicle of Kashmir have been written by many Sanskrit and persian scholars as well as by many western travellers[4]. From the period of the first settlement in Kashmir to the region of Gonada, the first prince, the region was governed by a succession of fifty two kings of the Kaurava dynasty ~~whose reigns~~ which ruled over it for a period of about 1266 years[5].

A Brief Politico-Historical Outline

Kashmir can claim the distinction of being the only region of India which possesses an uninterrupted series of written records of its History, reaching back beyond the period of the Muhammandan conquest and deserving the name of real chromicles.[12]

In ancient India, Kashmir had an honoured place. The chronicles speak of the glorious King of Kashmir named Gonanda, who was worshipped by the region which Kailasha lights up and which the tossing Ganga clothes with soft garments.[13]

Kashmir was a part of the empire of AShok who laid the city of Srinagar.[14] He is said to have introduced Budhism to Kashmir. The Buddhist faith had, however, received an impetues at the hands of the Indo-scythian rules, particularly Kanishka, Huska and Juska.[15] The third Buddhist council was held in Kashmir under Kanishka's patronage and from that time Kashmir became the centre of Mahayana from where missionaries carried the doctrine to distant China, Central Asia and Tibet.[16] But all the subsequent rulers were not supporters of Buddhamism. As a result of the rise of the Shiva cult and philosophy, Buddhism, though linger on for some years, but was finally replaced by the traditional Brahminism. Toleration had, however, been the key note of religious policy even in those remote years and the people of different religious faith lived together amicably.[17] After the commencement of the Christian era, the valley was invaded by Tartars.[18]

The most notable of Muslim Rulers was Sultan Zain-ul-Abdin (1420-70 AD) who had worked zealously for the greater benefit of greater number and said to have introduced the vocations like carpet-weaving, paper-making, paper-mache, silk breeding, horticulture, stone-cutting, stone polishing, windo-cutting, bottle-making, gold-beating, shawl-weaving etc in Kashmir.

(He had also invited to kashmir skilled craftsmen ~~and progenitors of above said vocations~~ from other countries viz Turkey, Mecca and Egypt for progenation of the above said ~~vocations~~, crafts). He was generous and brave and earned the goodwill of Hindus who had been persecuted ealier. He encouraged learning, fine arts and poly-technics.

He had also invited to kashmir skilled craftsmen viz the weavers, embroiders, wood-carvers and makers of brassware, carpets and papier-mache from Turkey, Mecca & Egypt, who were the progenerators of skilled craftsmen of today's Kashmir.

In the sixty century A.D. came the white Huns.[19] The two other notable Kings in Kashmir were Pravarsena II and Lalitaditya. Where as Pravarsena-II regined about 700 A.D. and built his capital on the site of the present Srinagar, Lalitaditya, being the most famous of the later Hindu kings/. He is said to have subdued many kings in India in a tour of conquest for 12 years and then turned his attention to central Asia and returned victorious via Tibet.[21] It is recorded of him that he was a patron of art and culture and carried out many public works and built many temples including Martand Temple. Mahmud of Ghazni said to have attempted to invade Kashmir, but failed to effect entry.[22]

/ ruled over Kashmir in the middle of the eigth century and distinghished himself by his successful campaigns in central and Western India and central Asia.[20]

The subsequent political history of Kashmir for some hundreds of years was a succession of violent changes in which dynasty succeeded dynasty and some adventurer or other by his military talent acquired power.[23]

Towards the middle of the 14th century the Muslim rule was restablished over the valley. This religion had found a fetile sail to grow and expland because of the people had been groaning under the misrule of the later Hindu rulers, When trade had languished and agriculture was at standstill.[24]

The most notable of the muslims rulers was Sultan Zain-ul-Abdin (1420-70) who is said to have introduced vocations like carpet-weaving, paper-mache, paper making, sericulture and shawl-manufacture in Kashmir. He worked zealously for the greater benefit of greater people. He was generous and brave and earned the good-will of Hindus who had been persecuted earlier. He encourage the learning, fine arts and poly-technics.[25]

(F) Akar had ~~vited~~ visited Kashmir thrice and during his last visit he got constructed the fort on the Hari parbat Hill to attract the people who had fled the valley because of the atrociaties committed by chaks. He also laid down a sound revenue system through his revenue minister Todar Mal.

(E) Akbar had ~~vited~~ visited Kashmir thrice and during his last visit he got constructed the fort on the Hari parbat Hill to attract the people who had fled the valley because of the atrocities committed by chaks. He also laid down a sound revenue system through his revenue minister Todar Mal.

midele of the 18th century when in consequences of the decay of the imperial power, the governor of the State became independent of Delhi. 28 L1

Thereafter, it fell under Aghan despotism and the people were oppressed by a succession of governors from Kabul, each more cruel, than his predecessor. Their rapacity was inflicted on the people irrespective of religion or caste, and Hindus and Muslims were alike the victims of their cruel rule. [It was said of them that they thought no more of cutting off heads than of plucking flowers.] When their yoke became insupportable, the Kashmiris turned for aid to Ranjit Singh, whose rising star was then attracting the attention of India. As a consequence of this appeal the Sikhs sent an army to Kashmir in 1814, the advance being made over the Pir Panjal. The expedition was a failure and nothing further was done untill 1819 when Ranjit Singh's best general, Misr Diwan Chand, accompanied by Gulab Singh

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(VB) The sikh rule had been similar to that of the Mughals. The gover[nors] for Kashmir were appointed from Lahore and as many as ten governors were sent there during the Sikh rule. They used to gover[n] according to their own whims and caprices.

to repair the damage still linger among the people. He was unfortunately assisinated by mutinous troops. a

While Kashmir was pssing through the later vicissitudes in its history ~~which we have outlined,~~ a new power was growing in influence on the environs of the Valley. This was the authority of the Dogra prince, Gulab Singh, one of Ranjit Singh's favourite lieutenants. Created Raja of Jammu in 1820 for services rendered to the sikh cause, Gulab singh by force of character, speedily organised his territory on firm lines. Eventually he established a complete domination over nearly all the region between Kashmir and Punjab. Ladakh and Baltistan were also brought under his control with the result ~~the~~ that Gulab Singh was practically master of all the territory immediately surrounding Kashmir.

When war broke out between the British and the Sikhs, Gulab Singh refrained from taking sides and in 1846, after the battle of Sobraon, he acted the part of a mediator between the British and the Sikhs. The treaties concluded as a result of this intervention gave to the British, as equivalent of an indemnity of ten million rupees, the hill country between the river Beas and the Indus. Out of this ceded territory the British transferred to Gulab Singh, for the ~~sume~~ sum of seven and a half million rupees, all the hilly and mountainous country situated to the east of the Indus and ~~the~~ West of the Ravi by signing the treaty of Amritsar on 16th March, 1846. He tried to consolidate peace in the otherwise deplorable conditions then prevailing in Jammu Region. In February 1856, Gulab Singh gave up his throne in favour of his son Ranbir Singh. Gulab Singh died in 1857 and in 1860, his son and successor, Ranbir Singh, sent a well-equpped expedition against the mutinous Chief of Gilgit and the

and adjoining territories, and succeeded in finally establishing the Dogra hold on this outpost.[31]

In 1870 Maharaja Ranbir Singh sent his troops to Hanza and Nagar and obtained their vassalage. Later, when the Afghan War was in the offing and the Britishers were anxious to isolate Afghanistan and eliminate any possibele threat from Chitral, Maharaja Ranbir Singh was encouraged to send an expedition to Chitral and obtain its vassalage. Negotiations were opened between the army officers of the Maharaja and the Mehtar of Chitral which eventually resulted in a treaty between Aman-ul-Malik, the Mehtar and the Maharaja. According to the treaty the Mehtar accepted the suzerainty of the Maharaja and in token thereof agreed to pay annually a small tribute.[32]

It was thus towards the end of the 19th century that the Jammu and Kashmir state came into shape, the Maharaja's authority extending from Chitral in the North to Kathua in the south and Aksai Chin in the east and Kohala in the West. The state thus became the most important frontier region of India.[33]

Ranbir Singh was an excellent ruler, and a man of learning, culture and sharp intelligence. The close of his reign was darkened by the calamitous famine of 1877-79, which decimated the valley. On the death in September 1885 of Ranbir Singh, his eldest son, Pratap Singh, ascended the throne.[34]

Maharaja Pratap Singh had a tough time with the British Indian Government. In order to secure direct control over the State, they appointed a Resident who wielded unlimited powers over the administration.

It was only towards the end of his long reign of forty years that some semblance of power was resoted to him.

During his regime education was modernised. Several schools and two colleges - one in Srinagar and another in Jammu - were set up. Hospitals and dispensaries were opened. The valley was linked with the rest of the country by two cart roads - one between Srinagar and Rawalpindi and another between Srinagar and Jammu.

Thus, with the spread of education and faster communications between the State and the rest of India, there began a ferment among the people and they became conscious of their economic and political stagnation.

In the early twenties of this century, this discontent surfaced with political demands voiced by a few leaders in the State. They were no doubt influenced by the freedom movement launched by the Indian National Congress under the leadership of Mahatma Gandhi. But the abortive agitation was ruthlessly suppressed by the Maharaja who, however, passed away in 1925.

(During the reign of Maharaja Hari Singh, who succeeded his uncle Maharaja Partap Singh, in 1925, a continuous struggle for freedom and democra-

During the reign of Maharaja Hari Singh, who succeeded his uncle Maharaja Partap Singh, in 1925, the political consciousness had dawned on the entire length and breadth of the sub-continent. As a result a continuous struggle for freedom and democratisation of the administration in the state also started.

sections of the society. Agrarian discontent and paucity of employment opportunities were thus the motivating force for the Muslim masses to

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agitate against the Dogra regime in the State. The process of presentation of demands and their half-hearted consideration by the government, continued for some years, but without any tangible results coming out of it. It was in 1930 that a new organisation called the Reading room party was formed by a few Muslim graduates for discussing the problems of Muslim masses.[42] Meanwhile Sheikh Mohd. Abdulla, with post graduate degree in Chemistry from M.U. Aligarh, and who was appointed as a teacher,[43] left his job after a few months and in colloboration with his frineds founded the All Jammu and Kashmir Muslim Conference of which he himself became President.[44] The party leadership demanded the establishment of a full responsible government in the State. The Maharaja however, could not make any headway towards grant of responsible government to the people of the State. The political and economic situation was deteriorating fast and it was not, therefore, difficult for Shikh Mohammad Abdullah and his small band of devoted workers to launch a mass movement against the Maharaja's autocratic rule. This was met with force - wholesale arrests, firing by the police and military and levey of punitive fines. But ultimately he had to yield and set up a legislative assembly with very limited legislative and executive powers.[45] This did not satisfy the leaders.

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...kh Abdulla's nationalist outlook, his desire to fight for the entire state's freedom and people's fundamental right and to get the cooperation of all the progressive forces in the state. The muslim conference was converted into National Conference in 1939. The National Conference adopted a programme of building up New Kashmir in 1944. Sheikh declared that the future and independence of India inextricably linked with the future and independence of J&K State. ~~The National Conference, therefore, stated 'Quit Kashmir' Movement in May 1946..~~

The struggle entered into a crucial stage when the famous Quiet Kashmir movement for the transfer of power to the people was launched by the All J&K National Conference in 1946. The state bureacracy was bewildered at this new slogan and full of vengeance decided to crush the movement. Inspite of reign of terror, arrest, prosecution and deaths the movement was on the verge of success when the British rulers decided to partition British India by dividing Indian subcontinent into two new dominions India and Pakistan in August 1947, and making all princely states independent and advising the princes to accede to one or the other of the new dominions, keeping in view the considerations of geographical contigenty. For most of the British Indian states, there was no question of option, their geographical position, econnomic needs and historical and cultural affiliations made their decision a foregone conclusion. Some of the states, which thought of going against these forces, were soon compelled by their people to make the correct choice.

The choice before J&K State as a difficult one because partition of India made Kashmir state geographically contiguous to both Bharat and Pakistan, besides Tibet, sinking, USSR and Afganisatan. Moreover the state was a muslim majority state with a Hindu ruler inclined towards India. A majority of the inhabitants of the State was muslim by religion. Pakistan ruler thought that state must acceed to Pakistan. The Maharaja, therefore, could not decide the question of accession to either of the dominions

rathered into stand still agreement with Pakistan to get more time. Indian government however refused to enter the agreement unless it was approved by the people of the state first. Mr. Jinnah was in a dilemma and believed as the National Conference leadership was openly against his doctrine of two nations theory and looking more towards India, the people of the state would not accede to Pakistan. Pakistan authorities then used all sorts of tectics including communal incitement and inflitration of armed personnel to forced the State accession to Pakistan but failed. Mr. Jinnah then became impatient and lost his balance. As a result a massive attack in form of tribal invasion on defendless Kashmir was launched on 25th October 1947 to force its outright and annexation. Meanwhile the working Committee of the National Conference decided that the future of the state lay with India, approached the Government of India for help and whole-heartedly supported the accession of the state by the Maharaja to the Indian Union. The Maharaja was thus forced to acceed to India on 26th October 1947.

On Oct. 27,1947, the Maharaja had appointed the popular leader of the State Sheikh Mohammad Abdullah of the National Conference, the Chief Emmergency Officer. On 5th March 1948 a regular govt. headed by Sheikh Mohd. Abdullah was formed. Article 370 of the Indian Constitution, however, conferred a special status on the State of Jammu and Kashmir and it was thus only state of the Indian Union which got the right to frame its own constitution.

When the following cease-fire which brought about with the good offices of the United ~~States~~ Nations in 1949m Pakistan refused to honour international agreement to vacate its aggression, the people of the state set up on 31st October 1951, Seventy-five members Constituent Assembly elected on the bases of universal adult franchise. The consembly of Kashmir not only aboolished the institution of monarchy, ratified the accession of the state with India but adopted unanimously the new constitution for the state on the Nov. 1956. The constitution comprised of 158 sections and five schedules. Sections 1,2,3,4,5,6,7,8 and 158 pertaining to the tit-le- of the Constitution, definition, relationship of the state with the union of India, territory of the state, extent of the executive and legislative powers of the state, definistion of permanent residents, came into force on the 17th Nov. 1956 and remaining sections on the 26th of January 1957.

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~~A STUDY OF~~ KASHMIR'S CONSTITUTIONAL RELATIONSHIP WITH THE CENTER IN ITS TRUE PSYCHO - POLITICO-HISTORICAL PERSPECTIVES

By: Dr. Vidya Bhushan*

In the lap of the Himalayas lies the world famous Valley of Kashmir, surrounded by mountains where the frisking cascades, bubbling springs, sprawling verdant fields and saffron belts have remained unchanged despite invasions of the Moghuls, Tartar, Huns, Pathans, ~~Skihs~~ Sikhs and others.

Kashmir whose borders touch Pakistan, India, Afghanistan, Russia and China has enthralled poets, emperors, warriors, sages and saints by its talismanic charms which nature has bestowed on it in abundance.

It is not only because of art and culture, natural beatuty and panoramic landscapes that Kashmir is famous in the world but it is well-known because of its geographical, military and political importance in this whole region, particularly in the sub-continent. With all this, its civilization, history and unique style of the xxxxxxxxxxxxxxxxxxx people's living have been its greatness. And people of the region have, from the very inception, remained desirous of maintaining their individuality and freedom. Whenever any foreign aggressor, after crossing its gorgeous ravines and mountain passes, tried to subjugate her people, the cross-section of the Valley's citizens did not lay their arms easily.

~~When~~ With the withdrawal of the British power from the Indian sub-continent, transfer of the powers

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(12) The story of accession of Jammu and Kashmir state to the Indian Dominion itself was, however, a dramatic convergence of conflicting aims and motivations of the ~~then~~ then main actors of the drama - the Maharaja of Kashmir, the All Jammu and Kashmir National Conference leadership, India and Pakistan. The Maharaja wanted to protect his kingdom as well as his own position as a ruler of the state. The National Conference leadership, on the other hand, wanted the acceptance of the principle of popular sovereignty ~~to be~~ before terms of relationship with either of the dominion could be negotiated. India was receptive to their demand[2] but the Pak leadership had its own apprehensions because of the then existing fraternal relations between National Conference and Indian National Congress. Meanwhile, Mr. G.M Sadiq mission to Lahore proved to be a complete failure[3]. As Pak leadership suspected some sort of conspiracy, the armed aggression was thought of to be the only feasible course of action[4].

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All this precipitated accession of the state to India. But this could only be finalized ~~only~~ when Maharaja ~~showed~~ expressed his willingness to appoint Sheikh Mohd. Abdullah as ~~a~~ the head of the emergency administration[5].

and the partition of the country had created a set of new circumstances and situation and the State of Jammu and Kashmir was ultimately acceeded to the Indian Union. The offer of the accession was made by the Maharaja and supported by the leadership of the All J&K National Conference. ~~(It being an integral part of the India Union, enjoys a special status by virtue of Article 370 of the Indian Constitution.)~~

However, Jammu and Kashmir State, which is an integral part of Indian Union, enjoys a special status by virtue of Art. 370 of the Indian Constitution. ~~However~~ But, the Kashmir's constitutional relations with the Union of India is still an incomplete story of adjustment of respective sphere of power between federal polity and a constituent unit. It actually reveals the hazards of National building in the developing world, where plurality of religion, language, race and culture, geographical factors and uneven political developments create strains and stresses in the adjustment of relations.[6]

The process of integration and constitutional adjustment, which had been adopted in regard to the other Indian States was not at all followed in the case of Kashmir. The constitutional relationship between state and central govt. continued to be governed by the provision of the Kashmir's instrument of Accession of 26th Oct. 1947. When the constitution of India was being completed ~~by 1950~~, it was deemed necessary to make provisions in Indian Constitution regarding the status of Kashmir state. Certain broad principles were agreed upon by the centre and state leadership in a meeting held in Delhi in

The broad principles agreed upon by the two sides, on which the constitutional position of the State in the future constitutional structure of India, was to be based were:

1. The constitution of the State would be framed by a Constituent Assembly representing the people of the State;
2. The future of the dynastic rule of the Dogras would be determined by the Constituent Assembly of the State;
3. The division of powers between Govt. of India and the State would be governed by the provisions of Instrument of Accession;
4. The Constituent Assembly of State would empowered to determined what other powers would be transferred to the government of India;
5. Provisions with regard to citizenship, Fundamental Rights and the Directive principles of state policy, envisaged by the Constitution of India would be discussed; and
6. The operational and the administrative control of the State armies would be taken over by the govt. of India.

The national conference sent an alternative draft suggesting that "the provisions of the constitution shall apply to Jammu and Kashmir only in regard to the acceded subjects and that the Dominion parliament shall be entitled to legislate only with regard to state only in respect of these".[9]

VB The first revision dropped the provisions relating to Fundamental Rights and Directive principles of state policy.[11] The second revision omitted provisions dealing with citizenship.[12] The third revision modified the explanation as to what the state government would mean.[13]

May, 1949. The position crystallised finally, when the special provision 306-A drafted to be placed before Consembly of India. This draft Act was revised three times just to accommodate the view points of both the parties. The provisions giving a special status to the Kashmir state, therefore, were finally embodied in the Art.370 of the Indian Constitution. It was a step to fulfil the long cherished desire of Kashmir leaders with regard to State autonomy by limiting the powers of Union President and parliament. Thus only Art.1 and 370 of the Indian Constitution were to apply to Kashmir.

During the first phase of the democractic rule in the state, which started with the state's accession to Indian union way back in Oct. 1947 and terminated with the Sheikh's dismissal and arrest in August 1953, the National Conference leadership demanded concessions and maximum autonomy inorder to protect their separate Kashmiri Nationalism. Such a move was against the demand of the integrationist group particularly in Jammu region which was agitating for full integration of the state with the Indian Union. The attempts were also made to build such a structure which would meet the demands of both the groups-the autonomists and integrationists. Thus Delhi Agreement of July 1952 was signed between the State and Central leaders to build a structure of the constitutional relationship between Kashmir. But building structure (ie. Art. 370 and Delhi Agreement 1952) was more in favour of state autonomy. And some of the controversial issues, jurisdiction of supreme court, functional integration, election commissioner, Comptroller Auditor-General, Emergency powers of the president left

for further discussion. But when this model was put to practical tests, it cracked because of the motivational differences arising from the political considerations and failure of the leadership at various levels to reconcile the various claims and aspirations.[15] The result was the crisis of 1953.

In the wake of the constitutional crisis the aspirations of the larger part of the people in the valley concentrated on having larger autonomy in the State's relationship with the Indian Union. The secessionists and the integrationists treaded on two extreme paths. In the result, the effort of the Kashmir leadership was to rally and placate the diverse elements in the state to an endorsement of the larger state autonomy. The Kashmiri leadership heard the slogans of the Jammu integrationists and wanted to assure the people in the valley that larger autonomy of the state would not be sacrificed at any cost and they were ready to have a constitutional set-up in which all major cultural units could have a larger measure of internal autonomy.[16]

In the second phase which comprises approximately, a decade of Bakshi Ghulam Mohd's premiership (1953-63) the Kashmiri leadership tended to move from larger autonomy to limited autonomy to stablise its constitutional relationship with Indian union. To realise this in concrete terms, the then Kashmir leaders, embarked upon a cautious and partial integration beyond the position already reached upon till the time of the dismissal of Sheikh Abduallah.[17] The Kashmir consitution was finally enacted in Nov. 1956 and enforced on 26th January, 1957 by giving affect to this policy.[18]

The will to chisel a distinctive Consitutional personality of the State became flabby. The Consitution took increasingly the shape of a carbon copy of the Indian constitution with certain separate features to accommodate the political culture of Kashmir and local sentiments.[19] But complete stability was not achieved even after all this.[20]

The third phase mainly occupied Mr. Sadiq's years as Chief Minister beginning early in 1964 and down to this death in December 1971. For reasons already enunciated. Mr. Sadiq thought the time ripe for a progressive integration of the state with the Union and may steps, including the extention of some of the beneficial union laws at the request of the State government, were taken in this direction. At a later stage, he was shrewd enough to realise that he was losing his popularity with the people in the valley largely on account of the progressive integration he had embarked upon. The alienation of some due to the reaction of the autonomists and of course, of the secessionists. Shortly after, he took in hand a policy of liberalization vis-a-vis parties and placation of Sheikh Abdullah and his followes in an effort to rally the general support to his administration.[21]

The fourth phase commenced when the mantle of the leadership fell on Syed Mir Qaism on the death of Sadiq in December, 1971. Syed Mir Qasim, before he became the Chief Minister was an untiring critic of the policy of liberalization although he said little against the progressive integration. However once in office as Chief Minister, he went further

than Sadiq and offered to vacate his office in favour of a come-back on the part of the Sheikh, following the Indira-Sheikh Delhi accord after protracted and prolonged negotiations by the emissaries of the two leaders. The accord stressed the basic element of the autonomy of the state, and the finality of Art. 370 of the Union Constitution. Sheikh had made no secret of the fact that he wanted the perpetual retention of the speicial status of the state in the Indian Union. The accord, therefore, once again entrenched the Kashmir speicial status within the Indian Union and prepared the way for Sheikh's return to the constitutional position. Sheikh once again urged for the largest possible state autonomy, stressed the finality of the accession and the special status of the state as provided under Art 370 of the constitution of India. In any case, with the return of the Sheikh to consitutional position, the wheel seemed to have gone full circle and state leadership appeared to be back to the policy of the first phase ie. to the urge for the largest possible state autonomy, stressing the finality of the accession and the speicial status of the state as provided under Art.370 of the Constitution of India and reflected further in the Indo-Kashmir Agreement of 1952 as well as in the Indira-Sheikh Accord of 1975.[22]

Dr. Farooq Abdullah the present chief Minister, more or less, seems to follow the policy of his father so far as centre-state relations are concerned.

A look at the working of Jammu and Kashmir state's relations with the Indian dominion makes a clean sweep of the lurking fear in the mind of some political parties and leaders that its speicial status may prove dangerous for the national integrity and solidarity. Article I of the Indian Constitution applicable to the state without any modification is an assurance in this direction. The conception that incorporation of article 370 may create a 'Republic within a Republic' is not correct. It is a constitutional gurantee and a psychological satisfaction for Kashmiris and Kashmiri leaders. The reality is that Jammu and Kashmir state is also subject to the same pulls and pressures to which other Indian states are. It is believed (Jana Sangha) that urge for autonomy will spell the disintegration of India and that other states will also press for autonomy. But there is already a trend going on in the states to ask for more and more autonomy for themselves (Tamil Nadu, Assam, West Bengal, Punjab Akalies). The trend may be described as from universalism to that of particularism or from a unitarian pattern of federalism to pluralistic pattern of federalism.

but a mistaken assumption of uniformity in the

In case of Jammu and Kashmir State, the circumstances were more speical and difficult but and the aspiration for more autonomy within the frame-work of the Indian Political system is not altogether singular and unique. A look at the speeches made by the members in the Indian Constitution Assembly makes it clear that there were states and communities which has reservations about the strong centre and mode of appointment of Governor and his discretionary powers. For example, relatively backward states like Assam and Orissa were in favour of weak centre. As opposed to this, Madras was in favour of a strong centre. States, where Muslims were in a minority favoured strong centre while as the Sikhs who constituted a minority in the country as a whole but a sizable number in Punjab were in favour of weak centre. Similarly, the members of ~~the members of~~ the Brahmin caste were more favourable to a highly centralized federation than the members from other castes.

So Jammu and Kashmir state is not the only exception. It is, however, otherwise different. The quantum of difference may be unique, but there is no principle of difference ~~is not~~. There is a tacit but a mistaken assummption of uniformity in the status of all the constituent units of the Indian Union. A close examination of the Indian Constitution will reveal that this assumption is mistaken or at least exaggerated, and the assertion made so often that fathers of our constitution were almost unanimous in establishing a strong centre is not correct.

There are speccial provisions governing certain groups of people such as minorities, Schedule Castes and Tribes, and the administration of certain areas. The fifth schedule for example provides for differential treatment for schedule tribes and speical dispensation for the administration and control of schedule areas. Some of these provisions have the effect of diminishing the powers of the state government under whose territorial jurisdiction these areas fall. The sixth schedule again provides for another set of special eonsiderations to govern the administration of tribal areas of Arunchal, Meghalaya and Misoram. There are still other speccial provisions governing Assam and Nagaland.

The so-called Kashmir probelems was, and is, in fact involved into an issue for "more autonomy". The demand for autonomy and retention of Art.370 mainly comes from the valley because Kashmiries have not yet developed the psychological feeling of integrative identification with India which is very much there in case of other Indian races. Kashmiries and their leaders are looking at Art.370 as a permanent guarantee for the preservation of their own nationalism.

More recently, stress is being placed on the state autonomy by different states of the Union, including Kashmir. If necessary, article 370 may be made to act as a wall of demorcation of the powers of the centre and the state. The fact that concurrance of the state government is a condition precedent to the extension of the centre's field to the state beyong the three subjects surrendered

to the centre in the Instrument of the State's accession, it is a sound domocratic basis of the state's partnership in the Indian federal setup.

I may conclude that the working of centre-state relations in India shows that to have a uniform pattern of relations is not a must for the working of federalism. India being a plural and politically uneven society the centre state relations have to be of a varying nature. Throughout the constitutional development there was an attempt in the direction of uniformity. But complete uniformity and stability ~~was~~ were not possible because of the dynamic nature of the society and tensions between the centre and the states are not peculiar to any particular political system. They have existed in all federal states. The federal political systesm established in the developing areas have not always proved stable and successful. Some have distintegrated, others have been coverted into a unitary political unions. ~~Nor has~~ the federal solution ~~always~~ has not always been accepted as the appropriate one to begin with. In Gyhana, Ceylone, Sudan and Belgion Coonge, despite the urgent advocacy of federal political structure by certain groups, unitary government was choosen right at the outset. Revolt by East Bengal against Pakistan and the secession of Singapore from Malaysian federation are the two cases near at home. In India too centre-state relations are subject to tensions and revisions, especially in case of J&K state. But the demand for greater and greater state autonomy here has amounted neither to revolt nor to

Secession from the Indian feration. This is due to the skilful administration and the long sighted political acumen of the leaders and rulers concerned. Demands are being proportionately made and responded in order to maintain the equilibrium.

References

1. Koul, Santosh : Evolution of The Constitutional Relation Between Jammu & Kashmir State And Indian Union
Ph.D. Thesis, University of Jammu, Jammu.
P. 184

2. Ibid.

3 White paper on Jammu & Kashmir P. 14.

4. The Hindustan Times Dated 1-6-1947.

5. Koul, Santosh : Evolution of The Constitutional Relationship Between Jammu & Kashmir State And The Indian Union ~~op. cit P. 184~~
op. cit P. 184

6. Bhushan, Vidya: State politics And Government : Jammu & Kashmir
op. cit . P.

7 Koul, Santosh : Evolution of the Constitutional Relationship Between Jammu & Kashmir State And the Indian Union
op. cit P-61.

8. Dass, Durga : Sardar patel's Correspondence
vol. 1, 1953 Navjeevan publication
P-226.

9. Koul, Santosh : Evolution of the Constitutional Relationship Between Jammu & Kashmir State And the Indian Union op. cit. P. 62

10. Ibid.
11. Ibid
12 Ibid

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13. Ibid.

14. Bhushan, Vidya: The State politics And Government: Jammu And Kashmir op.cit P-331

15. Ibid.

16. Ibid

17. Ibid P-350

18 Ibid.

19 Ibid p.350

20 ~~Ibid~~ Raina, Manju: Centre State Relations Ibid Interaction And Tensions A study of J&K Since 1975. M.phil Dissertation University of Jammu 1989 P.

~~21. Ibid p-351~~

~~22~~

21. Bhushan, Vidya: The State politics And Gov Jammu & Kashmir op. cit. P.351

22. Ibid.

STATE ADMINISTRATION IN JAMMU AND KASHMIR TILL 1980S

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5

State Administration in

JAMMU & KASHMIR

Vidhya Bhushan

Between the snow-adorned barrier of the Himalayas and the earth-coloured and sun-scorched plains of the Punjab live four million Kashmiris.[1] This part of the country, Jammu and Kashmir state, which is generally known as Kashmir state, covers an area of 84,471 sq. miles (2,22,800 sq. km.) and is situated in the extreme north between Latitude 32 32°.15′ and 37°.5′. North and Longitude 72°.35′ and 80°.20′ East.[2] The physiography of Kashmir in relation to peninsula of India is economically most important, in as much as the great reservoirs from which is drawn the water that fertilize the vast plains of the land of five rivers, are contained herein. Here are born infant streams which feed the Indus, the Jhelum, the Chenab, the Ravi and to great extent the Sutlej also.[3]

It is not merely geographical expression in the North-west of the vast sub-continent of India, famed for its beauty and natural wealth, but Kashmir is a land strategically situated and a connecting link for many great empires. Its borders touching as they do, the territories of Russia, China, India, Pakistan, Tibet and Afghanistan, have an international significance.[4] Being a playground of Asia, Kashmir has been the victim of foreign invasion and intrigues for centuries. The people had been mercilessly exploited by their federal and imperialist masters.

It occupies a stategic position from military stand point and that of foreign affairs. Planes based on the soil of Kashmir can be used for bombing any area in Asia."[5] Nations interested in 'Big Power' struggle can see Kashmir primarily as the pivotal centre of military strategy in this part of the world." This is why it had been a constant source of irritation between Dogra Rulers and the Govt. of India before 1947 and India and Pakistan since 1947. It has become a pawn in the game of

International politics. Thus for instance it has given rise to the fast developing collaboration of Pakistan and China, on one hand, and the Pak collaboration in the global plans of American Policy and military strategy on the other.

Kashmir being comprised of three main regions—Jammu, Kashmir and Ladakh, is a multilingual, multicultural (with three dominant languages—Dogri, Kashmiri and Ladakhi) and is also the home of various races. The Jammu province, with an area more than double of Kashmir Province,[7] is the home of the Dogras—a hardly people divided into several castes and sects, both Hindu and Muslims, belonging to the same race.[8] They speak dogri language—a mixture of Sanskrit, Punjabi and Persian words, deriving its own from the Indo-Aryan branch of Sanskrit.[9] The people of Kashmir valley, being an ancient race with complexions varying from olive to a ruddly and fair hue, are full of fun and fond of amusement. The overwhelming majority of the people profess Muslim religion, which was first introduced in the Thirteenth century and established its hold in 18th century. They speak Kashmiri language.

Further to the east is the land of Ladakh or 'Little Tibet'.[10] Its people are a mixture of Mongolian and Aryan races and are cheerful, wilful, and not quarrelsome unless under narcotics like 'Chang'. Simplicity and clumsiness are in a measure their characteristics.[11] They are Budhists, the followers of the Dalai Lama of Tibet and speak Ladakhi Language. In short, geographically, demographically culturally, linguistically, racially and ethnically the Kashmir state is not a homogenous but heterogeneous unit.

The struggle for freedom and democratisation of the administration in this state goes back to the year 1930-31.[12] It had its origin in the widespread discontentment among the Muslim masses who constituted 70% of the total population of the state and 49% of the population in the Kashmir Valley,[13] but had very inadequate representation in the state services as well as in the economic and industrial life of the state.[14] The bulk of the Muslim Population were tillers, labourers and artisans—classes which were an excellent target of exploitation by the richer sections of the society.[15] Agrarian

discontent and paucity of employment opportunities were thus the motivating force for the Muslim masses to agitate against the Dogra regime in the state. The process of presentation of demands and their half-hearted consideration by the Government continued for some years, but without any tangible results coming out of it. It was in 1930 that a new organisation called the Reading Room party was formed by a few Muslim graduates for discussing the problems of Muslim masses.[16] Meanwhile Sheikh Mohd. Abdullah, with post-graduate degree in Chemistry from M.U. Aligarh, and who was appointed as a teacher[17] left his job after a few months and in collaboration with his friends founded the Muslim Conference of which he himself became President.[18] Sheikh Abdullah's nationalist outlook, his desire to fight for the entire state's freedom and people's fundamental right and to get the cooperation of all the progressive forces in the state. The Muslim Conference was converted into National Conference in 1939.[19] The National Conference adopted a programme of building up *New Kashmir* in 1944. Sheikh declared that the future and independency of India inextricably linked with the future and independence of J&K state. The National Conference, therefore, started 'Quit Kashmir, Movement' in May, 1946.[21] This movement ended with the withdrawal of the British power from the sub-continent and transfer of power. Shiekh Abdullah was then appointed as the Head of interim Govt. in 1948.[22] Art. 370 of the Indian Constitution conferred a special status of the state. Thus the Kashmir state was the only state of the Indian Union which got the right to frame its own constitution. The Jammu and Kashmir's Constitution was, therefore, framed by its own Consembly and enforced on 26th January, 1957.[23]

Governor

The doctrine of separation of powers that the Executive, Legislature and Judicial functions should each be vested in a separate and distinct body of individual, which was adopted and put into practice by the fathers of the American Constitution, is difficult to observe in practice. In most of the modern Constitutions, therefore, an attempt is made to separate these

functions in so far as it can be done without prejudice to administrative efficiency. In almost all Constitutional Acts, promulgated from time to time, in 100 years of the reign of Dogra Dynasty in Kashmir, all powers were vested in the Ruler. But in the new Jammu and Kashmir Constitution of 1957, these powers have been separated.[24]

The executive power may be defined as "the authority within the state which administers the law, carries on the business of Govt., and maintains order within and security from without the state."[25] The Supreme Court of India, while referring to what the Executive power of the state connotes, pointed out that the residue of governmental functions that remains after legislative and judicial functions are taken way, subject to the course of the provision, of the constitution of India."[26]

The Constitution of 1957 envisaged a parliamentary government for the state and the executive powers of the state which extended to all matters not transferred to the Union, were vested in the Head of the State called Sadar-i-Rayasat.[27]

The Constitutional position of the Sadar-i-Rayasat was largely the same as that of President of India except that the President was not described as the Head of the State. The framers of the Constitution of Kashmir outlined the position of Sadar-i Rayasat on the Indian and Irish models *viz*. that of an elected Head of the state, who took precedence over all other persons in the state and who was to act on the advice of his Council of Ministers.[28] The Head of the State should be a permanent Resident of the state and had to be indirectly elected by the Legislature. However, by the Constitution of Jammu & Kashmir Sixth Amendment Act 1965, 'Sadar-i-Rayasat' has been substituted by 'Governor', who will be appointed by the President of India, for five years and who holds office during the pleasures of the President.[29] The Governor is obliged to exercise his executive functions on the advice of Council of Ministers except in case of appointment of Ministers, Dy. Ministers, and issuing the proclamation of the breakdown of constitutional machninery in the state and thus assuming himself the executive and legislative functions of the

state.[30] So far the other states of the Indian polity, this power of issuing proclamation of breakdown of constitution machinery is vested not in the Governor but with the President of India,[31] who no doubt acts on the advice of his Council of Ministers. The Governor has the power to grant pardons, reprieves, respites or remission of punishment under the state Constitution extends to offences under the laws to which the executive powers of the state extends. He may also commute death sentence for the offences to which the executive power of the state extends.[32] The Constitution of India does not sufficiently guard against the President becoming a dictator, whereas in case of J&K it would seem that the limitation on Governor's power under Section 35(2) and 92(6) of the Kashmir's Constitution reduce the possibility of him becoming a dictator to a minimum.[33]

The Governor summons and prorogues the either House and can dissolve the Assembly.[34]

Chief Ministet and the Council of Ministers

The political executive (*i.e.* Council of Ministers) is the main executive organ of the govt. and its stability is essential for the efficient running of the administration.

The political executive of the state is based on the relevant provisions of the Jammu and Kashmir's Constitution 1957—Section 35 to 41. The Council of Ministers headed by a Chief Minister, is assigned the task under the Constitution to 'aid and advise the Governor,[35] under Sec. 36, the Chief Minister is to be appointed by the Governor who, on the advice of the former, is to appoint other ministers and under Sec. 38 might appoint Dy. Chief Minister. As the Constitution envisaged a Parliamentary Govt. for the state, the Governor will be obliged to appoint the leader of the majority party in the house, as Chief Minister. The discretionary powers of the Governor may not be important if there is a party in the legislature with clear cut majority and whose leader enjoys its confidence. But it becomes important in a situation where there is no such party and a coalition Govt. is essential. In such case the leader of the party with the largest number of seats is invited to

explore the possibility of forming of a Govt. Constitution, however, does not provide as to how Chief Minister will choose his colleages. But because of rule of collective responsibility the Chief Minister will make his Council of Ministers as broadly representative as possible. The ministers are collectively responsible to the Legislative Assembly.[36] The Chief Minister and the ministers must be members of the Legislature and if they are not at the time of appointment they should get elected within 6 months.[37] It will then be for the Governor to consider what coalitions are possible and choose that most likely to endure and who is to be appointed as Chief Minister. The Governor is to follow the British Convention that the "Sovereign should not be interested in any particular party but should maintain his impartial position."

The Chief Minister is required to Communicate all decisions of the Council of Ministers about administration and proposed Legislation to the Governor who can also call for any information on these subjects. The Governor may cause a matter decided by a minister to be considered by the whole council.[38] This would ensure the collective responsibility and solidarity of the Council of Ministers and provide a safeguard against departmental decisions prejudicial to other departments or general governmental policy. There is also safeguard against any hasty and arbitrary decision of an individual minister.[39] The ministers hold office at the pleasure of the Governor.[40] If the necessity arises, Governor may dismiss the ministers and Dy. Ministers because the power to appoint presumably includes the power to dismiss.[41] But this power, according to convenience, is exercised by the Governor on the advice of the Chief Minister.[42] The normal methods of removal of a ministry or of a minister is a vote of non-confidence against them in the Legislative Assembly, when a minister is undesirable but comments the support of the House, the power of dismissal by the Governor may be used in such a case. The Constitution, however, does not specifically mention whether the Council of Ministers can be dissolved by the Governor on the grounds of inefficiency or misconduct. It is presumed, since the governor is obliged to ensure the stability of the adminis-

tration, he may, if he thinks it necessary, dismiss the cabinet as a whole. But this authority will be rarely exercised as happened on 8th August, 1953, when the then Sadar-i-Riyasat dismissed Sheikh Mohd. Abdullah's first Ministry.

The Chief Minister has, therefore, a complex role to play. He is to act as a leader of the people of the state as a whole, as a leader of a party, as a person relating to natural goals, and as an administrator holding the reins of the State's administrative machinery. To date Jammu and Kashmir has had eight Chief Ministers in post-independence period. They are, Sheikh Mohd. Abdullah, Bakshi Ghulam Mohd. Shamus-uddin, G.M. Sadiq, Mir. Qusim (Sheikh Abdullah second time), Faroque Abdullah and G.M. Shah. Sheikh Abdullah's first ministry tried to maintain the unity of the different regions of the state and to build the Kashmir's Constitutional structure on the pillars of maximum autonomy.[43] His ministry ultimately failed to achieve its goal because of Constitutional crisis of 1953 which was caused by the motivational variations arising from political consideration and the failure of leadership at various levels to reconcile the various claims and aspirations.[44] Bakshi, G.M. followed the policy of limited Autonomy with partial and cautious integration of the state with the Indian Union one one side and to remove the regional disparities between regions of the state through various developmental programmes on the other.[45] Shamus-Uddin's Cabinet had a very short spell and could not get time to pursue an independent policy of its own. Sadiq, being progressive in outlook followed a policy of fuller and progressive integration of the state with the Indian Union.[46] Much impressed by the radical changes at the centre such as adoption of the socialistic patterns of society by the Congress as its goal at the Avadhi session, and the progressive policies of the Union Govt., regarding privy purses, Bank Nationalization, Sadiq regarded Art. 370 as a tunnel or a bridge between the state with the Union. But at the fag end of his political career he followed a policy of liberalisation and placating Sheikh Abdullah and his followers; *i.e.*, greater autonomists forces in the state.[47] Mir Qasim, although initially a critic of Sadiq's policy of liberalism, began

to realise the necessity and the validity of the policy. As a Chief Minister, he therefore, played a considerable cooperative role in contributing to the conclusion of the Kashmir Accord (1975) between Central Govt. and the Sheikh Abdullah.[48] The accord, therefore, once again entrenched the Kashmir's special status within the Indian Union and prepared way for Sheikh's return to power and to continue his old policy of maximum autonomy for the state.[49] Dr. Faroque tried to follow more or less the policy of his father. Mr. G.M. Shah declared that he would also follow the policy of National Conference and Sheikh Abdullah but would have cordial relations with the centre. All the Chief Ministers were the defender of Kashmir's Special Status, as guarantees under Art. 370 of the Indian Constitution, and the removal of regional disparities through economic development.[50]

As regards the Council of Ministers as a whole, the main problem has been inter-party factionalism which has been a genuine threat to the governmental stability than the opposition parties. One thinks in this connection of the factional infighting between Sheikh and Bakhshi, Bakhshi and Sadiq, Sadiq and Qasim, Sheikh and M.A. Beg, Farooq and G.M. Shah in recent times. The factional infight in Kashmir claimed many govts. By and large there have been no glaring departures from the norms of collective responsibility.

The State Legislature

Like British India, in Kashmir too the change from autocracy has not been sudden but gradual. The 'Praja-Sabha, —The Legislative Assembly—which was in existence even in pre-independence period (*i.e.* since, 1934) was, therefore, a result of a prolonged agitation of the Kashmiris against autocracy. But it was just to hoodwink observers. It enjoyed very limited powers and the ultimate authority was vested in the Maharaja.[51]

Under the present Constitution the State Legislature is the highest law-making body with the powers to legislate on all matters, except those with respect to which parliament has

powers to make laws for the state under the provision of the Constitution of India.[52] It is a bicameral legislature made up of a Legislative Assembly and Legislative Council.[53] The Legislative Assembly is to consist of 100 members, including twenty-five seats which will remain vacant for the representatives of the people living in Pak-occupied area of the state.[54] If the Governor is of the opinion that women-folk are not adequately represented in the Assembly, he may nominate not more than two women to be the members thereof. So the total strength may reach . The assembly is elected on the basis of the adult franchise and for a period of five years. The Legislative Council is to consist of 36 indirectly elected members, giving representatives to functional groups, local bodies and other social interests. The Council unlike the Assembly is not subject to dissolution but one third of the its members retire every two years. As the constitution embodies a parliamentary system of Govt., the Legislative Assembly exercises supreme control over the political Executive—the Council of Ministers. In matter of Legislation, the respective powers of the two Houses envisaged in the Constitution are also somewhat after the pattern of other parliamentary democracies. The Constitution recognises the prominence of the Legislative Assembly over the Legislative Council. All bills other than money bills, however, can be introduced in either House of the Legislature and before presentation to the Governor for his assent, are required to be passed by both the Houses.[55] A bill which is pending in the Legislative Assembly or which, having been passed by the Legislative Assembly, is pending in the Legislative Council, lapses on the dissolution of the Assembly. But a bill pending in the Legislative Council, which has not been passed by the Legislative Assembly does not lapse on the dissolution of the Assembly. The money bills cannot be initiated in the Council. The Council functions as a check on the Assembly but this check is limited to delaying the process of Legislation. The Council never posed problem to the party-system and has done well as a second chamber.

The Kashmir Legislature, in time with the spirit in the country as a whole, has sometimes become a prey to consider-

able disorderly and unparliamentary conduct. But on the whole, such occurrences have been very few. One reason for such developments could be that the nature and quality of the members have been undergoing changes. Not only younger person but also persons from hitherto deprived groups and those belonging to the generation born in post-independence period have considerably contributed to the qualitative changes in the membership. They are more socially conscious and more actuely sensitive to the public issues and problems. Part of the behavioural confusions in the legislature of today may be attributed to the transitional conditions due to a change of guards.

Each House of the State Legislature has a separate secretarial staff (Sec. 63). The Legislature is served by a separate secretariat, whose origin goes back to September,[56] 1959. The Legislative Assembly Secretariat consists of officer (Gazetted posts), subordinate staff (a) clerical establishment and non-clerical (superior) establishment, and (b) Inferior staff. The recruitment and condition of their services are governed by the Jammu & Kashmir Legislative Assembly Secretariat (Recruitment and Conditions of Service) Rule, 1959.[58] Subject to the control of the Speaker, the Secretary is the administrator of the Assembly Secretariat and exercises full control over the Secretariat officers and staff and is responsible for the smooth working of the secretariat.[59] However, there is a separate secretariat of J & K Legislative Council which consists of a similar type of staff as that of Secretariat of Legislative Assembly. Subject to the control of the Chairman the Secretary administers the Council Secretariat and exercises full control over the secretariat officers and staff and is responsible for its smooth working. However, nothing prevents the creation of posts common to both Houses[60] (See 63, p. 16, Constitution, vol. 1).

There is a good Library attached to the Legislature. It is meant for the use by the members, officers and the other staff of the Legislature. It is particularly valuable for official reports and documents. It also has a small cell, which caters to the needs of the members for information.

The Secretariat Administration

The Secretarial administrative set-up of Jammu and Kashmir Govt. was also changed from time to time. The pre-independent secretariat administration was such to suit best to the autocratic regime of the state. But in the post-independence secretariat administration like rest of the Administrative members was completely overhauld in order to discharge the democratic responsibilities of the new govt. as well as to fulfil the aspirations of the people, who became free after a century of autocratic rule. The novel feature which remained unchanged is that the secretariat of the state is located in Jammu, the winter capital of the Kashmir state from Nov. to middle of May and for rest of the year it is shifted to Srinagar—the summer capital. At present the business (secretariat administration of the J & K state is comprised of) of the state govt. is distributed among the twenty departments of the secretariat.[61] Each department of the secretariat consists of the secretary to the Govt. who is the official head of that department, and of such other officers and servants subordinate to him (*e.g.* an additional secretary, joint secretary, deputy Secretary and under secretary)[62] as the state govt. may determine[63] provided that more than one department may be placed incharge of the secretary and the work of a department may be divided between two or more secretaries.[64] There are therefore (1) the Secretary to Govt., Agriculture]Department, (2) the Secretary to Govt., Animal and Sheep Husbandary department, (3) the Secretary to Govt., Education Deptt., (4) the Secretary to Govt. Finance Deptt., (5) the Secretary to Govt., Food and Supplies Department, (6) The Secretary to Govt., Forest Department, (7) The Secretary to Govt., General Deptt., (8) the Secretary to Govt. Health, Family Welfare and Medical Education Deptt., (9)The, Secretary to Govt., Home Deptt., (10) The Secretary to Govt., Housing and Urban Dev. Deptt., (11) The Secretary to Govt., Industries and Commerce Deptt., (12) the Secretary to Govt., Information Department, (13) The Secretary to Govt., Law and Parliamentary Affairs Department., (14) The Secretary to Govt., Ladakh Affairs Department, (15) the Secretary to Govt., Public Works Department, (16) The Secretary to Govt., Power

Development, Department, (17) The Secretary to Govt., Planning and Development Department, (18) the Secretary to Govt., Revenue Department, (19) The Secretary to Govt., Transport Department,[65] and (20) The Secretary to Govt, Cooperative Department. Except as otherwise provided for in the rules, all businesss allotted to a department shall be disposed of by under the general or special direction of the Minister-in-charge. Copies of such special or general directions issued by the Minister shall be sent to the Governor and the Chief Minister.[66]

The Secretariat has its own well equipped own library which serves as a reference and general reading library, and it is under the control of the Secretary to Government O & M Department.

The Chief Secretary's responsibility besides providing overall leadership to the administrative system, extends to the following items :

The Chief Secretary shall be the Secretary to the Cabinet[67]—as such he attends all cabinet meetings, prepares records of the decisions which shall be laid in the next cabinet meeting and submit to the Chief Minister for approval. He then forwards a copy of such record to the Governor.[68] In important cases the memorandum shall be shown by the secretary concerned to the Chief Secretary before transmitted to the Cabinet Secretariat. The Chief Secretary may return a memorandum to the Secretary concerned if it does not incorporate full details for proper assessment of the case.[69] The Chief Minister may direct that a case may instead of being brought up for discussion at a meeting of the cabinet, be circulated to the Ministers for opinion. Such case shall also be brought up before the Chief Minister through Chief Secretary in a memorandum to be submitted for orders of the Cabinet[70] when a case has been decided by the Cabinet, the Minister concerned has to give effect to the decision. If any deviation is proposed to be made from that decision by the Minister, the matter will be submitted to the Chief Minister for direction. In such cases the Secretary in the department concerned shall supply to the Chief Secretary such documents as the latter may require to maintain his

record of the case.[71] The Chief Secretary may on the order of Chief Minister or any minister or his own call for papers relating to any case in any department.[72] The Chief Secretary may, after examination of the case, submit it for the orders of the Minister-in-charge or the Chief Minister through the Minister-in-charge.[73] If any question arises as to the Department to which a case properly belongs, the matter shall be refer to Chief Secretary, who will if necessary, obtain the orders of the Chief Minister.[74] The following cases shall be submitted to Chief Minister through Chief Secretary before the issue of orders: formulation of statutory rules and their amendment for regulating recruitment and condition of service of state services; administrative approval to works costing over fifty lakhs; relaxation of age limit, proposals for the grants of pardon, reprieves, respites or remission of punishment; questions of policy; cases affecting the peace and tranquillity of the state and minority community; constitution of an Advisory Board for the detention of persons with trial; communication with Election Commissioner; departure of rules; cases pertaining to the Governor's personal establishment; summoning and dissolution and prorogation of the Legislative Assembly, removal of disqualification of voters at election to the Legislature, fixing of date of elections and relating matters; appointment of the officers of Legislature of the rank of Under Secretary and above; proposals involving the appointment, resignation, dismissal, removal or suspension of the officers of the PSC except those of the status of Secretary, Additional Secretary or Joint Secretary; periodic intelligence summaries from the Home Department; proposals for the transfer of Dy. Secretaries, Senior Scale IAS officers and junior scale IAS officers; premature retirement of non-gazetted officers; grant of advance increments not covered under rules and extension in services of non-gazetted officers or re-employment after retirement of any such officer.[75] But every order or instrument of the Govt. of the state shall be signad either by Chief Secretary, the Additional Chief Secretary, an Additional Secretary, a Joint Secretary, an Additional Joint Secretary, a Dy. Secretary or Under Secretary to the Govt. or such officer specially empowered.[76] When there has been any departure of

the Rules, the concerned Secretary shall personally bring the matter to the notice of Chief Secretary.[77]

District Administration

The State of Jammu and Kashmir, which consists of 14 districts, is administratively divided into two divisions Jammu and Kashmir including Ladakh. At present a district is headed by a Deputy Commissioner. He exercises powers of collector on the revenue side and powers of a District Magistrate on the Criminal side.[78] Formerly Dy. Commissioners were designated as Wazir-i-Wazarat and they exercised powers of Assistant Collector 1st class on the revenue side and power of Sub-Divisional Magistrate on the Criminal side. The Deputy Commissioner is aided in his revenue work by an Assistant Commissioner and in some cases by sub-Divisional Officer as well.[79]

Each district is sub-divided into a number of Tehsils, each Tehsil being headed by a Tehsildar. He has powers of Assistant Collector first Class on the criminal side. The Tehsildar is aided by a number of Naib Tensildars. Each having powers of Magistrate second class on the criminal side and Assistant Collector of the second class on the revenue side. During modern times various other items of work have been added to the list of Tehsildars duties, namely preparation and revision of Electoral Rolls, conducting of census and compilation of statistics connected therewith, rationing in rural areas and rehabilitation of refugees and so on. The nature of duties of a Tensildar, therefore, calls for considerable public contract. Above the district level we have a Divisional Commissioner in each of the two divisions of the state namely, Jammu and Kashmir. The Divisional Commissioner besides supervising the functions of the Revenue Department in their respective Divisions, also act as liaison and supervisory officer in respect of various departments functioning in the Divisons.[80] Formely, these divisions were called provinces and each province was headed by a Governor who exercised the power of collector and District Magistrate.[81]

Over the Divisional Commissioner we have a Financial

Commissioner who is the Head of the Revenue Department.[82]

The Civil Services

As in other states in general, the civil services personnel in Jammu and Kashmir can be, at present, classified functionally and cadre-wise. The details of services—KAS and other General Administrative Services are as under :[83]

(a) Departmental Services :

The following gazetted services will be departmental services :

1. The J & K Secretarial (Gazetted) Service
2. The J & K Revenue (Gazetted) Service
3. The J & K Cooperative (Gazetted) Service
4. The J & K Excise and Sales Tax (Gazetted) Service
5. The J & K Industries and Commercial Departmental Service
6. The J & K Information (Gazetted) Service
7. The J & K Tourism (Gazetted) Service
8. The J & K Labour (Gazetted) Service
9. The J & K Social Welfare (Gazetted) Service
10. The J & K Community Development and Nation Extention (Gazetted) Service
11. The J & K Employment (Gazetted) Service
12. The J & K Hospitality and Protocol (Gazetted) Service
13. The J & K Food and Supplies (Gazetted) Service
14. The J & K Transport (Gazetted) Service
15. The J & K Stationery and Printing (Gazetted) Service.

In order to provide equal opportunities and facilities for induction into KAS in due course of time, all the afore-mentioned Departmental Services shall have a uniform time scale of Rs. 1000-1560 and further that a selection grade of Rs. 1200-1800 shall be provided equal to 20% of the posts in the time scale in each service. However, all departmental services shall provide 50% promotion quota and 50% direct

recruitment quota at the level of posts in time scale pay of Rs. 1000-1560.[84] Moreover, there shall be combined service competitive examination for direct recruits of all the departmental services to be arranged in consultation with Public Service Commission by the General Departmental (Services), who also arrange allotment of candidates to various services. The departmental services will, however, continued to be managed by the concerned administrative departments.[85]

(b) Kashmir Administrative Service :

The Kashmir Administrative Service shall comprise the following scales[86] :

(a) Supertime scale of Rs. 2600—3100
(b) Selection grade of Rs. 1850—2390
(c) Senior time scale of Rs. 1300—2030

The number of supertime scale posts shall be ten (10) and appointment/promotion to these posts (like promotion to selection grade) shall be made on the basis of merit and suitability from among the selection grade officers.

The number of posts in selection grade, however, shall be 20% of the strength in senior time scale of pay reduced by the number of posts carrying supertime scale subject to a minimum of 15% of the senior time scale posts.

All administrative posts of and above the rank and pay of Rs. 1300-2030 in the departmental services shall be included in the KAS cadre. The officers who are members of different department services holding these posts at present shall be inducted into KAS placing them in the order of their dates of appointment/promotion to the grade of Rs. 1300-2030.[87]

There shall be no pre-determined and fixed quota or percentage of posts for promotion/appointment to KAS from the departmental services but the selection from these services made from time to time shall bear the ratio as far as possible to the number of posts in feeding services provided that a minimum of 15% of vacancies shall be earmarked for other services including technical services wherefrom suitable officers may be induced in KAS.[88]

The officers appointed to the KAS by promotion in future shall undergo foundational course to enable them to discharge the duties of the posts of general and varied nature.[89]

The state government recently, has taken a policy decision that honest and dedicated service will be appreciated in different ways. A set of well considered norms and regulation has been, therefore, evolved and circulated to all departments regarding the grant of awards for honest and dedicated service.[90]

Public Enterprises in the State

Industrial development is of utmost importance to the developing societies like ours. As the industrial base of an economy expands, there takes place a shift from low earning occupations of primary sector to high earning occupations of industry and which raises the standard of living of the people. One of the major objectives of the planned economic development, therefore, has been to diversify basically primary sector economy and to gradually expansion of the Secondary and Tertiary sectors. However, it is a proven fact that rapid industrialisation can substantially push up the productivity, the per capita income, the saving capacity of Labour and, thus, increases the rate of investment which results in a rapid alround economic development.

The State of Jammu and Kashmir, which is known all over the world for its scenic beauty, has not been very fortunate in this respect and lags far behand other states of Indian federal polity in industrial activity. On the eve of independence of the country and for quite some time thereafter, industrial activity in the state was limited to handicrafts and sericulture.[91] The only industrial units worth the name were a fene forest-based units. The first meaningful step towards industrial development in the small scale sector was taken in the late fifties with the setting up of industrial estates in various parts of the state.[92] Unfortunately, most of the estates remained grossly under-utilized for a long period and were in consequence utilized for non-industrial purposes in some places. The beginning of seventies marked a change from the past. The state Govt., formulated a comprehensive but very attractive set of incentives to attract entrepreneurs from within and outside the state to invest in industrial ventures and for the development of industries in the state.[93] These incentives provided a large number of concessions for industry, particurlaly in the small scale sector *e.g.* allotment of fully-developed industrial plots with all infrastructural facilities on nominal prices, subsidy of feasiability reports, power tariff, permission to set up captive thermal or hydral generating sets by individual and group of industries, subsidy on diesel generating sets, training entrepreneurs in the small sector, price preference of goods sold to the govt. Deptts. by local small scale units and tax benefits.[94] Besides, the entire state has been declared a backward area and is covered under the 25% capital subsidy scheme of the Government of India.[95] About the same time, the Central Govt., also sanctioned a scheme for providing special concessions for promotion of industries in backward areas, which included capital investments subsidy, tax concessions etc.[96]

Notwithstanding these attractions, however, capital continued to be shy in J & K State. Handicrafts, of course, witnessed rapid progress. The small scale sector also made some progress but not with the desired speed.

In mid-seventies, the state govt. took a more aggressive line in making a break-through in the industrial fields. A Development Review Committee comprising experts from various disciplines made a comprehensive study, *inter-alia* of the problems and prospects of industrial development in the state.[97] At the same time, large industrial houses in the country were invited to make investments in the state. All these efforts indeed fructified as a result of which several projects in the large and medium sector came up. The introduction of the District Industries Centres in 1978[98] also acted as catalyst for the industrial sector particularly for the small scale sector.

The State Govt. has also set up J & K Industrial Development Corporation (SIDCO) as a model agency for solving the pre-investment and post-investment problems of entrepreneurs, setting up large, medium units[99], and J & K Small Scale In-

dustrial Development Corporation (SCCOP) to procure raw-material requirements of the various industrial units from out-side state.[100]

The State Industrial Development Corporation has been instrument in the promotion of a number of private sector projects in the state. Some of the most important of these projects are : [101]

1. Synthetic Detergent Factory of M/s Hindustan Levers Ltd. at Jammu.
2. Vanaspati Ghee unit of M/s K.C. Vanaspati Ltd. at Jammu.
3. Resin and Turpentine unit of M/s Pinche Chemicals Ltd. at Jammu.
4. Resin and Turpentine unit' of M/s Prabhat Terpenes Ltd. at Jammu.
5. Resin and Turpentine unit of M/s Dujodwalla Industries Ltd. at Jammu.
6. Pencil Factory of M/s Sanghvi Woods Ltd. at Jammu.
7. Pencil Factory of M/s Cade Wood Ltd. at Jammu.
8. Barbed wire Unit of M/s Trendwire at Jammu.
9. Sports Goods Unit of M/s Pioneers Sports Ltd. Kashmir, and
10. Apple Processing Plant of M/s Cadbury Ltd., Doabagh, Kashmir.

The State, however, has certain intrinsic problems—its mountain-locked nature, difficult terrain, distance from the market, which hint the choice of industries which can be set up in the state. Nevertheless, today the state can claim to be heading towards an industrial climate which raises new hopes for the future.

At present *i.e.*, in 1984 there are 50 medium sector units wherein an amount of Rs. 49,000/- crores (approx.) has been invested. Similarly a number of small scale units have gone up from about 3,000 in 1978 to about 15,000 where direct employment of about 69,000 people has been generated. There

are about 14 public sector undertakings which are playing a pivotal role in the indusurialisation of the state.[103]

Planning

Planning is essentially a way of organising and utilizing the resources of a country in order to get maximum benefit in terms of defined social objectives and to obtain a wholesale transformation of social structure.[104] The very fact that almost all countries of the world have now adopted planning as a technique for socio-economic development, is a fair indication of its crucial role.[105] Planning is done in the third world countries to fight the age-old problem of poverty and hunger and to usher in prosperity.[106]

However, 96% of the population of Kashmir state lived in far-flung and isolated villages subsisting on primitive agriculture which yielded an average annual income of about Rs. 11/- per head[107]. Their entire history is an account of rapacious invaders bearing down upon their beautiful valleys to pillage and oppress, leaving them in dire poverty to till terraced slopes with laborious patience[108]. In spite of fertile soil, mineral resources, the unlimited water supply of its snowfed rivers, the immense wealth of its vast forests, the matchless skill of its world famous craftsmen, and the bracing climate of Kashmir, its inhabitants used to trek down to the towns of the Punjab to work as coolies in order to earn enough money to pay land revenue to the fedual administration and interests to the money-lender.[109]

The main objectives of the planning in the state, therefore, is economic growth and socio-economic development, industrialisation and tackling unemployment problem ; development of agriculture, forests, mining and tourism ; reducing regional imbalances ; improvement of the conditions of the weaker sections and the poor and minimise the possibility of exploitation of the labourers and artisan classes by the richer section of the society. The economic policies of the state were reoriented after a series of discussions between the state Chief Minister, Prime Minister of India and the Planning Commission. A long

range planning strategy had been evolved paying special attention to Kashmir's need for power and extensive and varied communications, absence of which had hampered industry and tourism.

To date, the state has completed six plans and the Seventh Five Year Plan is in progress. The outlay of the plans has increased from Rs. 12.7[110] crores to Rs. 2114[111] crores. The success achieved in so far is not only encouraging but satisfactory enough to lead to the conclusion that the Kashmir state has long last been able to determine its priorities in proper perspective.

The First Year Plan of the state (1951-56) was incorporated in India's First Plan as later as March, 1953. The size of original plan was reduced from Rs. 2013 crores to Rs. 13 crores and ultimately to Rs. 12.7 crores and its main feature were Banihal Tunnel, development works to be financed out of central assistance and Developmental works to be financed out of the revenues of the state.[112] The total expenditure during the Plan period was 11.52[113] crores. As a result there had been a considerable improvement in state's economy. Employment avenues acelerated considerably and provided employment to thousands of people. The total provisions under Industry was Rs. 82.12 lakhs *i.e.* 6.7.% of the total outlay.[114]

The Second Five-Year Plan of J & K aimed at securing a coordinated and balanced development of the economy of the state with a view to ensuring better standard of living for its people. This was sought to be achieved by increasing industrial and agricultural production and opening up of new and more avenues for better and fuller employment. The Second Five Year Plan of the State originally envisaged as outlay of Rs. 60 crores, out of which only 33.92 crores found their way in the country's plan under the heading of the state plan.[115] The total expenditure during plan period was 25.95 crores.[116] The much stress was laid on consturction works and social amenities. The plan had also brought an increase in the industrial units of the state (*i.e.* 98 in Kashmir and 41 in Jammu),[117] thereby bringing further increase in the employment.

In the Third Five Year Plan, the State Govt. envisaged vital economic policies for the speedy achievement of a socialist pattern of society along with the rest of the country.[118] The plan expenditure had been spread over schemed with judicious care to ensure coordinated and even development of resources of the state with sufficient regard to the suitability and technical feasibility of Individual projects and schemes. Top most priority had been given to three main objectives such as development of power; setting up industries and exploitation of uptapped mineral wealth.[119] Out of the total outlay of the plan was Rs. 75.14 crores, 0.06 crores was kept for Industry and Mining.[120] The total expenditure during plan period was 61.85 crores[121] As a result the number of factories in Kashmir raised to 115 with total employment of 5,497 persons; and in Jammu to 75 with total employment of 3,526 persons.[122]

In the Fourth Five Year Plan, the emphasis had been shifted to vital wealth producing sectors of the economy. The strategy of development had been such as to firmly establish infrastructures of growth so that further development could take place in a sustained manner. The total investment during the plan period was 162.85 crores.[123] The end of the plan saw a rise in the registered small scale units upto 2203. Moreover, special incentives were introduced to accelerate the growth and development of drugs and chemical and textiles industries. The size of the Fifth Five Year Plan had gone up progressively.[124]

The investment made during the plan period was about three times the amount spent earlier[125]. The total expenditure during the plan period was 278.55 crores[126].

So far as the Sixth Five Year Plan the total investment envisaged was Rs. 900 crores[127]. Like other parts of the country, the State of J & K is now in the process of preparing its draft 7th Five Year Plan. The total size of the plan would be of the order of Rs. 2114 crores, envisaging a growth rate of 7.9% in the state economy. The National Development Council laid stress on food, work and productivity, requiring a strategy built around agricultural growth, creation of employment, improvement in industrial technology and infrastructure,

and a shift in investment priorities towards items of mass consumption[128].

Through planning the state govt. has succeeded in giving a new orientation to state economy, quicken the pace of industrialisation, modernise agriculture and giving a new meaning and content to the life of the common man.

Thus, looking back at the last three decades of planning one finds that a transformation has taken place and firm foundations laid of developing economy. Our S.D.D has touched the level of Rs. 844/- crores in 1980-81 and the per capita income of Rs. 1,439/- at current prices. The growth has been faster than at the national level. Agriculture has undergone a revolutionary change. Industry has started to take roots. Power generating capacity has gone up. A wide network of roads has been laid linking even remote corners of the state. Education has been made free up to the university level and enrolment ratios have gone up. Health cover is widespread and general health conditions of the people is much better and they live a longer and prosperous life. Drinking water supply has also been provided to 42% of the rural and almost entire urban population[129].

The Centre-State Relations

Jammu and Kashmir state, which is an integral part of Indian Union, enjoys a special status by virtue of Art. 370 of the Indian Constitution. However, the Kashmir's constitutional relations with the Union of India is still an incomplete story of adjustment of respective sphere of powers between federal polity and a constituent unit. It actually reveals the hazards of National-building in the developing world where plurality of religion, language, race and culture geographical factors and uneven political developments creates strains and stresses in the adjustment of relations[130].

The process of integration and constitutional adjustment, which had been adopted in regard to the other Indian States was not at all followed in the case of Kashmir. The constitutional relationship between state and central govt. continued

to be governed by the provisions of the Kashmir's Instrument of Accession of 26th Oct. 1947 when the Constitution of India was being completed by 1950, it was deemed necessary to make provisions in Indian Constitution regarding the status of Kashmir state. Certain broad principles were agreed upon by the centre and state leadership in a meeting held in Delhi in May, 1949. The position crystallised finally, when the special provision 306-A drafted to be placed before Consembly of India[131]. This Draft Art. was revised three times just to accommodate the viewpoints of both the parties[132]. The provisions giving a special status to the Kashmir state, therefore were finally embodied in the Art. 370 of the Indian Constitution[133]. It was a step to fulfil the long-cherished desire of Kashmir leader with regard to State autonomy by limiting the powers of Union President and Parliament. Thus only Art. 1 and 370 of the Indian Constitution were to apply to Kashmir. Sheikh Abdullah followed a policy of maximum autonomy for the State throughout his first tenure of Prime Ministership. Further elaboration of the relationship culminated in signing of Delhi agreement in July 1952, but some of the controversial issues were again left for further discussion[134]. Bakhshi, G.M., the new Prime Minister, after the dismissal of first Sheikh ministry in August, 1953, embarked upon with India on firm grounds and the work of the Kashmir Consembly started afresh with renewed vigour. He followed a policy of limited autonomy and partial and cautions integration of state with India. The Kashmir Constitution was finally enacted in Nov. 1956 and enforced on 26th January, 1957[135] by giving effect to this policy.

After Bakhshi when Mr. Sadiq came to power in 1963, the integrative process continued. His period was marked as a period of a steady movement towards state's fuller integration[136]. This resulted the application of Arts. 81, 356, 357 to the state. The state constitution was also amended to change the nomenclature of the Sadar-i-Riyasat and Prime Minister[137]. On political level also the National Conference was merged into the Indian National Congress. All these steps brought India and Kashmir closer on the constitutional and legal level.

Sayed Mr. Qasim, after the death of Sadiq in 1971, played a considerable cooperative role in contributing to the conclusion of the Indira-Sheikh Accord of 1975[138]. The accord, therefore, once again entrenched the Kashmir's special status within the Indion Union and prepared the way for Sheikh's return to the constitutional position. Sheikh again urged for the largest possible state autonomy, stressed the finality of the accession and the special status of the state as provided under Art. 370 of the Constitution of India and reflected further in the Indo-Kashmir Agreement of 1952 as well as in the Kashmir accord of 1975. Dr. Farooq, more or less, tried to follow the policy of his father as far as centre-state relations were concerned. G.M. Shah, the present Chief Minister has declared that he would also follow the policy of National Conference and Sheikh Abdullah but will have cordial relations with the centre[139].

REFERENCES

1. Zutshi, J.N. *Kashmir's Journey to Freedom.* The Kashmir Bureau of Information 5, Prithavi Raj Road, New Delhi, p. 1.
2. Zutshi, J.N. *A Portait of Population.*, J & K Census of India, 1971, p. 11.
3. *Imperial Gazetter of India.* The Indian Empire, Vol. 1 Oxford, 1907 p. 16.
4. Kaul, P.N., and Dhar, K.L. *Kashmir Speaks.* Luzac and Co., Russel Street, London. 1950, p. 2.
5. *The Hindustan Times*, February 18th, 1953.
6. *The Free Press Journal*, May 23th, 1953.
7. *Census of India (Jammu & Kashmir)* Vol. XX, 1911, p. 201.
8. *Census of India—1891* Vol. XXVIII, The J & K 1893, Lahore, p. 4.
9. *Vital Speeches and Documents of the Day*, Vol. No. XXII, XXIII & XXIV. No. 15 Dec. 1 and 15, 1963. Special Issue, Kashmir, p. 74.
10. *Key to Kashmir*, A Lalarukh Publication, Srinagar, 1957, p. 37.
11. *Census of India.* 1891, p. 3.
12. Ganju, Dr. M. *This is Kashmir.*
13. Hana, R.L, *History of Freedom Struggle in Princely States.* Central News Agency, New Delhi, p. 248.

14a. Bhushan, Vidya. *The problems of Regional Irritations, Tensions and Imbalance in J&K State in their politico-physico-economic Perspectives.* Article Published in the University Review, Faculty of Social Sciences, University of Jammu, Jammu Tawi, Oct. 1983., p, 60,

14b. Saraf, Muhammad Yusaf. *Kashmir's Fight—For Freedom*, Ferozsons Ltd., Lahore, Voi. 1, pp. 325-328.

15. *Ibid.*
16. Zutshi, J.N. *Kashmir's Journey to Freedom.* The Kashmir Bureau of Information, 5 Prithvi Raj Road, New Delhi.
17. Saraf, Mohad. Yusuf. *Kashmir's Fight—For Freedom. op. cit.*, p. 359.
18. Ganju, Dr. M. *This is Kashmir, op. cit.*, p. 7.
19. *Ibid.*, p. 10.
20. *New Kashmir.* Published by Mr. K.N. Bamzai, The Director, Kashmir Bureau of Information, 5, Prithvi Raj Road, New Delhi, p. 24.
21. Ganju, Dr. M. *This is Kashmir, op. cit.*; p. 12.
22. Bhushan, Vidya. *The State Politics and Govt. Jammu & Kashmir*, J&K Book House, Jammu, 1985, p. 80.
23. *Ibid.*, p. 315.
25. Anand, Adarsh Sain. *The Development of the Constitution of Jammu & Kashmir.* Light and Life Publishers. New Delhi, 1980, pp. 283.
26. *Ibid.*, p. 284.
27. *The Constitution of Jammu & Kashmir*, J&K C.A. Srinagar, 19th Nov. 1956, Sec. 26, p. 9.
28. Anand, Adarsh Sain. *The Development of the Constitution of Jammu & Kashmir, op. cit.*, p. 288.
29. *Constitution of Jammu & Kashmir*, J&K Govt. Publication, Dec., 1982, p. 63.
30. *Ibid.*, Sec. 35(2), pp. 8-9.
31. Constitution of India, Art. 356.
32. *Constitution of J&K*, Sec. 34.
33. Bhushan, Vidya. *State Politics and Government, Jammu & Kashmir, op. cit.*, p. 317.
34. *Constitution of J&K*, Sec. 53 (2)
35. *Constitution of J&K*, Sec. 55.
36. *Ibid.*, Sec. 37.
37. *Ibid.*
38. *Ibid.*, Sec. 44.
39. Bhushan, Vidya. *State Politics and Govt., Jammu & Kashmir, op. cit.*, p. 318.
40. *Ibid.*, Sec. 39.
41. Anand, Adarsh, Sain. *The Development of the Constitution of J&K, op. cit.*, p. 296.
42. *Ibid.*
43. Bhushan, Vidya. *State Politics and Govt., J&K op. cit.*, p. 331.
44. *Ibid.* pp. 332.
45. *Ibid.*, p. 335.
46. *Ibid.*
87. *Ibid.*, 357
48. *Ibid.*

49. *Ibid.*
50. *Ibid.*
51. Bushan, Vidya. *The Evolution of Legislative System in J&K* (1846-1946), An article published in Punjab Univ. Law Reviews, 1979, Vol. XXXI, No. 1, p. 24.
52. *The Constitution of J&K op. cit.*, Sec. 5.
53. *Ibid.*, Sec. 48.
54. *Ibid.*, Sec. 47 (Proviso)
55. *Ibid.*, Sec. 78.
56. *Constitution of J & K*, Vol. 1, 1982, p. 161.
57. *Ibid.*, pp. 164-66.
58. *The J & K Legislative Council Secretarial* (Recruitment and Conditions of Service), Rule, 1959.
59. *Ibid.*
60. *The Constitution of J & K 1982*, Vol. 1, Sec. 63, p. 16.
61. *The J&K Govt. Business Rule 4(1)* issued by Secretary to Govt. O&M Deptt. of J&K State, 1974.
62. *Ibid.*, Rules 1 (b), p. 1.
63. *Ibid.*, Rule 6, p. 2
64. *Ibid.*, Rule 6 (a&b)
65. *Ibid.*, Rule 4 (1), The First Schedule, pp. 14-17.
66. *Ibid.* Rule 9, p.2.
67. *Ibid*, Rule 13, p.5.
68. *Ibid.* Rule, 7, p. 5.
69. *Ibid.*. Rule, 14 (1), 9-5.
70. *Ibid.*, Rule 15 (2), p. 5.
71. *Ibid.*, Rule 20 (1), p. 6.
72. *Ibid.*, Rule 27 (4) (a), p. 8.
73. *Ibid.*, Rule 27 (4), (b), p. 8.
74. *Ibid.*, Rule 28, p. 8.
75. *Ibid.*, Rule 31 (1). The Third Schedule : pp. 22-24.
76. *Ibid.*, Rule 12, p. 4.
77. *Ibid.*, Rule 53, p. 13.
78. *Gazetter of Jammu*, Vol. 1, p. 6 (unpublished).
79. *Ibid.*
80. *Ibid.*. p. 7.
81. *Ibid.*
82. *Ibid.*
83. *Govt. of J&K, Govt. Order No. 1285*, G of 1983 of 20-8-83.
84. *Ibjd.*
85. *Ibid.*
86. *Ibid.*
87. *Ibid.*
88. *Ibid.*
89. *Ibid.*
90. *Ibid.*

91. Sona Ullah Dar (Minister) address to Delegates Srinagar while inaugurating professional development programme on 17th Oct. 1984.
92. *The State Marches Towards Industrial Development*—a pamphlet, Directorate of Industries J&K Govt., 6th March, 1978.
93. *Ibid.*, 93.
94. *Ushering in an Industrial Era*—a pamphlet published by Director of Information, J&K Govt., year not mentioned, p. 1.
95. *Ibid.*, p. 7-8.
96. *Ibid.*, p. 12.
97. *Ibid.* p. 8-9.
98. *Sona-Ullaha Dar's Address op. cit.* p. 1.
99. *Ibid.*
100. *J&K Marches Towards Industrial Development*—A pamphlet issued by the Director, Broadcasting and Information, J&K Govt.
101. *Ibid.*
102. *Sona-Ullaha Dar's Address op. cit.*
103. *Ibid.*
104. Nandwain, S.C. *Planning and Development in India*, Cosmopolitan Publishing House, 135-C, Modern Town, Phagwara, 1965 p-9.
105. Mishra, R.P. Sundaram, K.V. & Prakasha Rao, *Regional Development and Planning in India*, Vikas Publishing House Pvt. Ltd.. Delhi, 1974, p. 1.
106. Bhattacharyya, K.N. : *Public Economics and Economy*, Calcutta, The World Press Pvt. Ltd. 1271, p. 6.
107. *This figure relates to the year 1944-45.*
108. Dhar, P.N. *The Kashmir Problem : Political and Economic Background*, India Quarterly, Vol. VII, No. 2, April-June 1951, Indian Council of World Affairs, New Delhi, p. 143.
109. *Ibid.*
110. *Jammu & Kashmir*—A phamphlet Published by Deptt. of Information J&K Govt. Year not mentioned, p. 143.
111. (i) *Towards A Bright Future*—A phamphlet published by the Director of Information & Publication Wing.
(ii) G.M. Shah's Statement at Press Conference on 17th Sept. 1984.
112. *Jammu & Kashmir*—Issued by the Director of Information and Broadcasting J&K Govt. August 1954, p. 4.
113. *All Round Progress in Jammu & Kashmir*—A Phamphlet Issued by Director General Information and Publication, J&K Oct. 1983, p. 1.
114. *Physical Achievement of the First Five Year Plan*, 1951-56, J&K Publication, year not known, p. 10.
115. *Report on Industrial Survey of J&K State, 1960.*
116. *All Round Progress in Jammu & Kashmir, op. cit.* p. 1.
117. *Report on Industrial Survey of J&K State, op. cit.*
118. *Jammu & Kashmir*—A review of progress. Deptt. of Informotion, J&K Govt., 1961, p. 1.

THE ADMINISTRATION OF JUSTICE IN KASHMIR STATE DURING DOGRA RULE

Vidya Bhushan

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THE ADMINISTRATION OF JUSTICE IN KASHMIR STATE DURING DOGRA RULE

*Vidya Bhushan**

I

"DURING MOST OF human history, societies did not make any theoretical distinction between law-making and law enforcement nor did they establish governmental agencies clearly specializing in one kind of operation over the other. Kings, as well as their ministers and courts made and enforced laws."[1] The same was true during the administration of earlier Dogra rulers. As legal system and administration of justice generally reflect the politico-economic and social development of the people, their institutional life, traditions, norms of behaviour, it was neither, therefore, possible nor even desirable for them to impose on an under-developed and traditional society like that of Kashmir a system based on modern values and attitudes.

The first two Dogra rulers carried on the administration as personal rule, though they were assisted by a number of advisers headed by a Chief Minister. The apparatus of justice, therefore, remained unorganised, arbitrary and medieval in the first thirty years of Dogra rule. However, the courts of appeal at Jammu and Kashmir, in one form or the other, and below them a number of other courts, have been existing since the earlier days of the Dogras. But the judicial system was nothing but a blend of inefficiency and nepotism. Anyhow, the administration of justice in the State during Dogra rule can briefly be discussed under the following heads :

1. Maharaja as a fountain of justice

Maharaja Gulab Singh inherited a kingdom which had already seen many masters and received an autocratic legacy from the Sikhs. He was not a reformer but a founder and "the present Jammu and Kashmir state is his monument."[2] He devoted most of his time towards the consolidation and building up his newely acquired empire. He had hardly any time left for setting up an administration. So far as the administration

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1. Renny, Austin, *The Governing Men* 446 (4th ed. 1975)
2. Panikar, K.M., *Gulab Singh* 1 (1930)

of justice was concerned there were no special courts, nor any code of procedure for guidance[3], "To administer justice was the duty of no one, yet everyone, who held any responsible post throughout the State, was responsible to administer it both in the civil and criminal cases."[4] Apart from common sense, there were for guidance the Hindu and Mohammedan Laws and the orders of the Maharaja, which might be termed as the law of equity.[5] The Kardar, who used to realize land revenue, and the Kotwals, whose duties were to suppress crimes, served as the original or the lowest court within their respective jurisdiction. The Maharaja himself was the highest court of appeal.[6] The Maharaja could readily deal with the petitions represented at any time or place. Only the petition had to be accompanied by a "Nazar" (gift) of one rupee.[7]

It was a rule of one man in whom vested all the judicial power. "His justice was rude, but it was expeditious." He was relentless in his punishment and his summary methods made him a terror.[8]

2. Adalat-i-Alia (High Court) and its powers

Before Maharaja Ranbir Singh all the earlier rulers of the State had made a point merely to exploit the State, rather than introduce even a modicum of administrative reforms either civil or judicial. There were neither laws nor law courts.

Maharaja Ranbir Singh gave a new touch to the Judiciary and established regular courts of justice with defined powers. "Chakladars" were appointed at every police station to dispose of petty civil and criminal cases.[9] In 1873, a mixed court composed of a British Officer and a civil judge, belonging to the State, was established to decide suits between Europeans and their servants, on the one hand and the subjects of the Maharaja on the other.[10] To place the administration

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3. Koul, Pt. Salig Ram, *The Biography of Maharaja Gulab Singh founder of the Jammu & Kashmir State* 36 (1923).
4. *Ibid.*
5. Om, Hari, *Judicial Administration in the Jammu and Kashmir State* (1885-1945) 2 (1976) Ph.D. Tnesis (un Published)
6. Koul, *op. cit. supra* note 3 at 230.
7. Drew, Frederick., *The Jammu and Kashmir Territories* 15 (1877)
8. Panikar, *op. cit. supra* note 2 at 155.
9. Koul, G.L. *Kashmir Thraugh Ages* 90 (1954).
10. Annual Administration Report (General), J & K state for Sep. 1995-96 (Oct. 1938-Oct. 1939) p. 23.

of justice on sound footing an Adalat-i-Alia (High Court) was established in 1877 and its powers were also defined as :

> The High Court (Adalat-i-Alia) shall be deemed for the purposes of all enactments for the time being in force to be the highest court of appeal or revision, subject to the control and the judicial powers exercised by his Highness the Maharaja Sahib Bahadur. The general superintendence and control over all other civil courts shall be vested in, and all other courts shall be subordinate to the High Court.[11]

By 1885 an Adalat Sadar (Chief Court) was created at Jammu and another at Srinagar.[12] "The judges of the Sadar adalats were subordinate to the governors of their respective provinces, whose advice was sought while deciding important cases."[13] The State civil procedure code,[14] a criminal code,[15] a penal code of 100 sections in Dogri and then a new penal code Sri Ranbir Dandbidhi were compiled and introduced.[16]

In all cases of imprisonment for more than five years a direct order from the Maharaja was required. In capital cases the Maharaja was aided by Jury. Justice was inexpensive and it required only half a rupee worth stamp to be heard by the Maharaja.[17] Sometimes even petty cases went before the Maharaja and it was open to the parties to present their cases directly instead of approaching the inferior courts first.[18] There were in all 25 courts in the State of which 14 were Wazarat courts.[19] Inspite of this improvement all the judicial, the executive and the legislative powers still remained vested in the Ruler.[20]

3. Reorganisation of Judicial system and the establishment of a High Court with one Judge

The judicial system was thoroughly reorganised during the reign of Maharaja Partap Singh.[21] The laws of the State were modernised and

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11. The Jammu & Kashmir State civil court regulations 1877.
12. Koul, *op. cit. supra* note 9.
13. Om, Hari, *op. cit. supra* note 5 at 7.
14. The Jammu & Kashmir Administrative Report, 1911.
15. Memorandum on Kashmir & some adjacent countries by Charles Girdles Resident in Kashmir, 1871 p. 7 (1874).
16. Bamzi, P.N. Kaul, *A History of Kashmir* 613 (1963).
17. *Ibid.*
18. Drew, *op. cit. supra* note 7 at 26.
19. Anand, Adarsh Sein., *The Development of Constitution of Jammu & Kashmir* 22 (1963) Ph.D. thesis (unpublished), Faculty of Law, University of London.
20. *Ibid.*
21. *A Note on Jammu & Kashmir State* 12 (1928) published by Jammu and Kashmir Government, Jammu.

codified.[22] The mixed court established in 1873 was abolished and the Resident and his Assistants were invested with powers to dispose of civil suits in which both parties were British Subjects or the defendent was a British subject or an Indian subject to His Majesty.[23] The civil procedure code of 1873 was not a complete code; Maharaja Partap Singh desired to improve it and he was able to do so in 1896 through the council of ministers.[24] A High Court consisting of one judge, who was also a Judicial Minister, was organised in 1897. Appeals from it were laid before His Highness in Council.[25]

4. Modelling the State Judiciary on a system prevalent in the British India and constitution of a High Court of Judicature

Judicial Circular No. 201, passed under Regulation No. 39 dated January, 1896, authorised the adoption of many important British Indian Acts, in so far as their contents were not repugnant to any law or practice established in the State.[26] In 1913, the British Indian code of criminal procedure (Acts V of 1898) with certain modifications was introduced.[27] "To make justice more accessible to the people the number of courts were increased in 1889 and 1904. A munsiff and a sub-judge were appointed in every tehsil and district respectively."[28]

H.H. Maharaja Hari Singh's Government also took a special care to see that the administration of Justice was cheap, expeditious and pure.[29]. The State Judiciary was then modelled on the system prevalent in the British provinces and justice was administered by courts regularly graded as in British India, culminating in a High Court. A High Court of judicature, with considerably enlarged powers on the lines of the High Courts in British Indian provinces, was constituted by Order No. 1 of 26th March, 1928.[30] It was one of the most important events of that time.[31] The High Court of judicature comprised a chief justice

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22. *Id.* at 5.
23. *A Hand-Book of J & K State* 26 (3rd. ed. 1947) published by J & K Government, Jammu.
24. Anand, *op. cit. supra* note 19 at 222.
25. Jammu & Kashmir Administrative Report, S-1961 1904-5 A.D.) compiled by Rai Bahadur Diwan Amar Nath, p. 2.
26. Jammu & Kashmir Administrative Report for 1904-05, J & K State, p. 29.
27. Memorandum Judicial Department of J & K Government, Old English Record file 188/N. 5 dated 1920.
28. Om, Hari, *op. cit. supra* note 5 at 67.
29. *Supra* note 22.
30. Jammu & Kashmir High Court Constitution 1928, J & K Archives, Jammu.
31. Census of India Vol. XXIV J & K State Part 1, p. 45.

and two puisne judges.[32] In matters of appointment, salary and other emoluments of High Court judges, the Maharaja's decision was final.[33] The Maharaja exercised vast powers: so much so that the High Court could not grant leave or transfer subordinate judges and munsiffs except by his approval. With his consent the High Court could confer civil and criminal powers on subordinate judicial officers.[34] Even the reduction, suspension or dismissal of a judicial official was subject to his approval.[35] Likewise admission and enrolment of advocates, vakils and attorneys-at-law were also subject to the limits fixed by the Maharaja and their qualifications were also prescribed by him in consultation with the judges of the High Court.[36] In 1930, of the marked improvement in the judicial administration of the State, the jurisdiction exercised by the Residency Courts in certain categories of civil cases was ceded to the State courts.[37] The jurisdiction of the High Court of judicature was then extended to Poonch and Chanani jagirs.[38] The Regulation No. 1 of 1991 (1934 A.D.)[39] enumerated the powers of executive and legislature but did not incorporate any provision about the judiciary.

5. Establishment of a "prototype Judicial Committee of the Privy Council of England" (His Highness, Board of Judicial Advisers)

The next landmark in the development of judiciary in the State was reached by promulgation of Jammu & Kashmir Constitution Act of 1996 (1939 A.D.).[40] The Act brought the High Court in line with the corresponding tribunals of the British India and, in organisation of the lower courts, the State generally followed the precedents of British India. The laws enforced in the State had also been, in most cases, adopted from those prevailing in the neighbouring British territory.[41] The Act provided for the establishment of Board of Judicial Advisers[42] to advise His Highness in regard to the disposal of judicial cases going up to him. The board was to consist of as many members as His

32. *Supra* note 30 at 1.
33. *Ibid.*
34. *Id.* at 45.
35. *Id.* at 7.
36. *Id.* at 6.
37. *Modern Jammu & Kashmir 1925-43*, 7 (1944) J & K Government.
38. *Jammu & Kashmir 1939-49* 2 (1941) H.H. Govt. of Jammu.
39. Regulation of 1991, H.H. Govt. of J & K State, Jammu (1936).
40. Jammu & Kashmir Constitution Act No. XIV of 1996 (1939 A.D.) J & K Govt. 2nd Sept. 1939.
41. Bhushan, Indu; *The Government & Administration in Jammu and Kashmir State* 90; Ph.D. Thesis (unpublished) Lucknow University (1942).
42. Jammu & Kashmir Constitution Act No. XIV of 1996, see 70(i)

Highness might appoint. The Maharaja was also empowered to nominate any person as an ex-officio member of the board to act for the board when it was not in session, provided that such an ex-officio member was not to sit on any bench of the board in the deciding of appeals and other matters referred to for advice.[43] The Appeal to His Highness Act XVI of S. 1996 was then enacted to lay down the objective laws for filling appeals before the Board.[44] Board of Judicial Advisers (procedure) Rules had also been made under Order No. 17-H of 1941.[45]

The Board was to discharge the same function with respect to the State as was performed by the Judicial Committee of the Privy Council with respect to the British India. That was why it was called a "Prototype of the Judicial Committee of the Privy Council of England."[46] Jammu & Kashmir was the only state in India in which such a high tribunal was established to hear appeals against the decision of the High Court.[47]

6. Separation of Judiciary from the Executive

The most important landmark in the administration of justice in the State was the granting of Letters Patent to the High Court on 28th August, 1943.[48] It virtually separated the Judiciary from the Executive control and placed it under the Maharaja.[49] The Prime Minister remaind only a channel of communication between the Maharaja and the High Court. It gave to the court a status and prestige of its own.

7. Comparision with the British Indian Courts

The provisions of the Jammu & Kashmir Constitution Act regarding the High Court of judicature[50] bore a close resemblance to the corresponding provisions of the Government of India Act 1935. The judges of the High Court in the British India were appointed by His Majesty.[51] The provisions regarding resignation and removal from

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43. Section 71, *Ibid.*
44. The Appeals to His Highness Act XVI of 1996.
45. The Jammu & Kashmir Law Reports, Vol. I part X S. 1999 Poh. (December, January 1942-43) pp. 338-39.
46. *25 Years of Poogress* 32 (1972) J. & K. Govt.
47. Ranbir (Weekly) Urdu, 1 July 1940.
48. The Letters Patent granted by H.H. The Maharaja Hari Singh Ji Bahadur on the 28th August, 1943.
49. Annual Administration Report (General) for J. & K. State S. 2000, H.H. Govt. p. 77.
50. J. & K. Constitution Act S. 1996 (XIV of S. 1996) Section 48-70, pp. 13-18.
51. Government of India Act, 1935 sec. 220(i).

office were also similar to the corrresponding provisions of the Constitution Act of 1996 (1939 A.D.).[52] Qualifications necessary for a person to be appointed a judge of High Court as laid down by the Govt. of India Act 1935,[53] had been embodied in Jammu & Kashmir Constitution Act of 1996 (1939 A.D.) with slight changes.[54] The powers and functions of the British Indian high courts as laid down in Act of 1935[55] were similar to those of State High Court.[56] Appeals from the decisions of the British Indian high courts were dealt with by the judicial committee of His Majesty's Privy Council. In the State a similar organisation had been set up under the name of His Highness Board Judicial Advisors.[57] The criminal procedure code which prevailed in the British India was, with slight alterations, enforced in the State also. The British Indian code of civil procedure, too, had been likewise adopted. Consequently the hierarchy of civil and criminal courts in the state was organised on the same lines as the British Indian judiciary.[58] Although there were about 150 civil and criminal courts in the State,[59] the establishment of panchayats had made justice more easily accessible to the villagers as far as petty cases were concerned. But the panchayats were not courts primarily.

II

Now, we may turn to a brief description of the forces and factors of modernization[60] of judical system as referred above.

The long arduous and evolutionary process of the development and transformation of the judicial system from promotive autocratic to a democratic system involved a number of factors. The most important of them are :

1. One of the first influences in the direction of this modernisation was that of the British rule over the sub-continent. Towards the last quarter of the 19th century, the British interest in Kashmir and its standard of administration was stimulated and accelerated by Czarist

52. *Id.*, see. 220 (2).
53. *Id.*, see. 220 (3).
54. *J. & K. Constitution Act 1996* (XIV of 1996) sec. 51.
55. *Govt. of India Act 1935*, sec 223 and 224.
56. *J. & K. Constitution Act 1996* (XIV of 1996) Sec. 56.
57. *Ibid.* Sec. 71.
58. Bhushan, Indu, *op. cit. supra* note 41 at 98.
59. *The Annual Administration Report* for the Samvat 1996-97 (1939-40) p. 35.
60. 10 *International Encyclopaedia of the Social Sciences* 386. "Modernization is the— The proeess of Social change whereby less developed societiea acquire characteristics common to more developed societies".

Russia's expansionist policy in Central Asia and the State's strategically vital position, particularly in the frontier areas of Gilget. The British wanted to establish their residency in Kashmir and to pressurise the Maharaja for subsequent lease of Gilget. The accession of Maharaja Partap Singh in succession to his father in 1885 gave them an opportunity for achieving their goal and for pressing administrative reform in the State. For various reasons they obtained from straightaway taking over Kashmir. However, all this led to noticeable improvement and structuring of administrative machinery including judicial administration.

2. In the first decade of this century, two degree colleges—one in Jammu and the other in Srinagar, were established for giving the western type of education as was then prevalent in British India. This was somewhat preceded and accompanied by similar move at the level of primary and secondary education. Within a generation an education elite, both in Kashmir valley and Jammu came into existence. A little later some of the young inhabitants from the State, who went to the universities in British India for their post-graduate studies in Law, returned with law degrees. The State also later on started its own munsiffship and pleadership examinations. Success in these examinations required knowledge of civil and criminal law as was essential for the B.L. examination of Indian university. All these changes influenced a lot in modernisation of the Judicial system on British-Indian lines.

3. The growth and role of press particularly from British India greatly helped in disseminating the shortcoming of the primitive administration of justice in Kashmir. As a result a number of reforms to modernise the judicial system on British pattern were introduced.

III

The state judiciary was, on the whole, efficient, partial separation of judiciary from executive took place. The judges of high courts were generally drawn from the Bench and the Bar of British Indian high courts and were men of great merit. Some state subjects also had been judges of the High Court.[61] In case of subordinate courts, however, state subjects only were taken, so far as compatible with the securing of efficiency.[62] Almost all the judicial officers in the state were either Barristes or graduates in law.[63] In addition state had also its own

61. Bhushan, Indu, *op. cit. supra* note 41 at 98.

62. *Ibid.*

63. His Highness Govt. : *Modern Jammu and Kashmir State* 1925-42 Jammu 1942 p. 35.

munsiffship and pleadership examinations, success in which required in a candidate as high a standard of knowledge of civil and criminal law as was essential for B.L. Examination of an Indian University.[64] Rules similar to those in British India governed the enlistment of pleaders and advocates in the State.[65]

The laws enforced in the State were not much different from those enforced in the British India. The principles of Hindu, Mohammadan and the customary laws were followed by the courts.[66] The principles of British Indian law, relating to Torts were also followed by the state courts.[67] The Ranbir Penal Code No. XII of 1989, the Small Causes Court Regulation of 1968, the Civil Procedure Code X of 1977, the Evidence Regulations 13 of 1977, the Essement Regulations XXVII of 1997, the cransfer of Property Regulations XXXXII of 1977, the Criminal Procedure Code XXII of 1989, the Hindu Widows Remarriage and Property Regulations No. XVIV of 1989 were based on the corresponding enactments enforced in British India.

The following were important departures from the laws enforced in British India :

(a) Voluntary killing a cow was a specific offence and the maximum punishment to be awarded for it was 10 years;[67]

(b) Change of religion was a ground for exclusion from inheritance as there was no legislation in the State (Like that which prevailed in British India) to nullify the provision of Hindu and Muslim laws on that point.

In short arbitrary justice in Kashmir was gradually replaced by justice according to establised laws and procedure.

Despite of all this, the judiciary was not at all free from the executive and the judges of High Court, who held office at the pleasure of Maharaja, did not have security of tenure. These defects were eliminated only after independence.

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64. J. & K. *A brief note on Jammu and Kashmir State* 1927 p. 13.
65. *Supra* note 63.
66. Sri Partap J & K Law (Consolidation) Regulation 1977, sec. 4.
67. Sec. 298—A of The Ranbir Penal Code.

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63. [illegible] K. C., A brief note on Jammu and Kashmir State 1937 p. 15.
64. [illegible]
65. [illegible] Laws Consolidation Regulation 1977, sec. 4.
66. [illegible]
67. Sec. 219-A of The Ranbir Penal Code

CONSTITUTION OF JAMMU AND KASHMIR PRADESH CONGRESS COMMITTEE

BALRAJ SINGH

31st. March 1972

University of Jammu

Jammu

PRICE: Rs. 0.50

ARTICLE I

Subject to the provisions of the Constitution of Indian National Congress (hereinafter referred to as the Constitution) the Jammu and Kashmir Pradesh Congress Committee shall be constituted under Article XI of the said Constitution.

ARTICLE II

The J & K Pradesh Congress Committee shall have the following subordinate bodies :—

1. The District Pradesh Congress Committee.
2. The Block Congress Committee.
3. As and when necessary the Pradesh Congress Committee may form tehsil Committee subordinate to the District Congress Committee.
4. Halqa Congress Committee.

Note : —(The District Committee may constitute a Gram Committee whenever it feels necessary).

ARTICLE III

Membership shall be in accordance with article IV of the Constitution :

1. Primary members.
2. Active members.
3. Associated members.
4. Nominated members.
5. Co-opted. members.

The following persons shall be eligible to the Primary membership :

1. Who have completed 18 years of age ;
2. Who is not a member of any communal or political organisation which has its separate Constitution programme or membership.
3. Such an eligible person shall become a member at his place of residence, or where he carries on his business, but can exercise his vote only at one place in case he becomes a member of the Congress at two places ;

4. shall pay 25 paisa annually and fill up membership form as in appendix (i) ;

5. shall not be a convict of an offence involving moral turpitude ;

6. shall not be a Government employee but it shall not debar a person in semi-Governmental institutions where services are not pensionable or of permanent character or to daily or monthly wage earners ;

The following persons shall be eligible to the active membership :

1. (i) Any person who has been a primary member for two consecutive years may become an active member, on payment of an annual subscription of Rs. 12/- if he fulfils the following conditions :

a) is of 21 years of age ;

b) according to wheather conditions wears any hand-spun or wheel-spun khadies or woollens;

c) believes in total prohibition ;

d) does not observe or recognize untouchability in any shape or form ;

e) believes in equal opportunities of status for all irrespective of caste, creed, race or sex and in safeguarding the interests of backward classes and of backward religions ;

f) is believer in inter-communal unity and respects all religions, faiths and convictions ;

g) devotes a part of his time for social services or works for the welfare of backward classes or regions;

h) acts in pursuance of the directions given by the Congress Working Committee from time to time ;

i) shall remain aware of the world, country or State political scientific and economic trends by reading, or otherwise ;

j) is not a willful defaulter of Government money for continous seven years ;

k) is not adjudicated as an insolvant.

(ii) a) Active membership shall be complete subject to the condition laid above and the Rules framed from time to time ;

b) Annual subscription paid by an active member shall be distributed in the following manner :

1. All India Congress Committee	Rs.	0.10
2. Pradesh Congress Committee	Rs.	0.25
3. District Congress Committee	Rs.	0.25
4. Block Congress Committee.	Rs.	0.40

c) The annual collection of Rs. 12/- collected by every active member of the Congress shall be deposited in the Congress Reserve Fund in accordance with the Rules framed by the Working Committee.

d) The year of membership shall be from January first to 31 December each year.

e) Enrolment of members shall be according to the directions of the All India Congress Committee.

ARTICLE IV

When an active member ceases to be an active member

a) If the membership is not renewed as required by the Constitution ;

b) works in utter disregard to the Constitution of the Congress ;

c) if asked for an explanation does not satisfy the organisational wing whereunder rules framed by the P. C. C. Executive he is to submit his explanation with the time fixed under rules ;

d) does not appear within the time fixed under rules before the competent authority when called upon to do so ;

e) does not acknowledge a registered notice when served on him ;

f) by death, resignation or removal.

ARTICLE V

Registration of members :

Every Block Congress Committee shall maintain a register of members according to the following proforma :

Name, Parentage, Residence, Age, Profession and shall send a copy to the District Committee which will in turn be responsible to maintain the records and send a copy of the membership register to the Pradesh Congress Committee. The Block Committee and the District Committee shall inform the Pradesh Congress Committee if any complaint arises against a member and about any other matter which requires a change in the membership register.

The District Committee shall send a report to the P. C. C. after a complaint is heard and disposed off. The record so maintained shall be presumed to be authentic.

After the closing up of membership the District Committee shall receive a register of active membership and Block Committee the primary membership registers.

The Block Committee shall within a month of the closure of the membership send it on to the District Committee and the District Committee in turn within a month's time shall send it on to the P. C. C. If this article is not strictly adhered to the District Committee and the P. C. C. shall be competent to take appropriate action under rules after calling an explanation from the defaulters.

ARTICLE VI

Who can be a candidate for election ?

If under Article II a Gram Committee is allowed to be constituted every primary member can be a candidate for the election but the Chairman of the Committee shall be an active member.

ARTICLE VII

Halqa or Congress Committee

An office bearer in any halqa or patwar congress committee shall be elected from amongst the active members and in P. C. C. all members of Executive Committee and office bearers shall be active members. This shall apply to Tehsil, District and P. C. C. An active member can accept only one office and it will not bar him to become a member of the Executive in one or more committees.

ARTICLE VIII

Formation of the Committees

One or more villages put together can form a Gram Committee.

A Block Congress Committee shall cover an area of a Block, or atleast 20,000 people. Srinagar city shall consist of eight Blocks and Jammu three Blocks. Every town will be divided in halqa committees provided the population of every halqa is not less than five thousand.

ARTICLE IX

Unrepresented and inadequately represented classes :

These classes shall be given representation on the Block and District Committees, but that should not exceed 1/3 of the total membership of the etected members.

The Block Committee shall recommend such representation of the District Committee and the recommendation of the District Committee shall be final subject to the decision of the P. C. C. The P. C. C. shall give representation to the following organisations :—

1. Youth Organisations.
2. Seva Dal.
3. Trade Unions.
4. Labour Associations.
5. Zanana Wing (if not elected otherwise).

Members co-opted or nominated shall be from amongst the primary members. The Executive Committee of the Block Congress Committee shall consist of eleven members including the office bearers.

ARTICLE X

General Council of the Block Congress Committee

All primary members shall constitute general council of the Block Congress Committees.

ARTICLE XI

Associated members shall have no vote and shall not be eligible for any office in the Organisation.

ARTICLE XII

District Committees

(a) Territorial jurisdiction of the P. C. C. in the State of Jammu and Kashmir shall be divided in nine districts namely :—

1. Srinagar
2. Anantnag
3. Baramulla
4. Doda
5. Udhampur
6. Jammu
7. Poonch
8. Kathua and
9. Ladakh.

(i) each district committee shall function and carry on the congress work within its jurisdiction; subject to the general control and supervision of the P. C. C.

(ii) the office of the District Committee shall be situated at the headquarters of the District;

(iii) the headquarters of the District Congress Committee may be shifted to a place other than the headquarters of the District with the previous sanction of the Executive Council of the P. C. C.;

(b) (i) District Congress Committee shall constitute of 21 members elected by members of the B.C.C.

(ii) every halqa committee shall elect one member for the District Congress Committee.

(iii) President of T.C.C shall not be eligible to become a President or a Secrtetary of the D.C.C.

(c) The following persons are also eligible for being elected as the office bearers to District Congress Committee :—

(i) Ex-president of the district Congress Committee who has completed only one full term and is an active member of the Congress:

(ii) Members co-opted by the Executive and the District Congress Committee from special elements not adequately represented and others in accordance with the rules framed by the Pradesh Working Committee;

(iii) Representatives of organisations or institutions working in the area in accordance with the rules framed by the working Committee.

(iv) Members of the P.C.C. who reside in or have been elected from the district;

(v) Members of the Congress Parliamentary Party both of Central and State elected from the district ;

(vi) Leaders of the Congress Parties in the municipalities, district boards and other institutions shall be associated members provided they are active members ;

(vii) The P.C.C. shall fix the number of such organisations and institutions according to the rules framed by the Working Committee.

(viii) Executive Committee of the District shall constitute 21 members including the office bearers ;

(ix) The Executive Committee of the district shall be elected in a general meeting of the members of all the block and the district including the office bearers in accordance with the rules framed by the P.C.C.

ARTICLE XIII

Functions of the District Congress Committees

1. Ordinarily the D.C.C. shall function through the Congress Committees subordinate to it.

2. Shall have powers to appoint individuals or sub-committee for any special purpose or assign to them such duties and delegate to them such powers as they may deem fit ;

3. To carry on the work of the Committee have powers to frame rules not inconsistent with the Constitution of A.I.C.C. or that of the J & K P.C.C. or rules framed under such constitutions.

4. Shall submit its annual report together with the audited accounts and balance sheets to the P.C.C.

ARTICLE XIV

Members of the P.C.C. and the delegates of the National Congress

1. The delegate constituency shall consist of an area of a block.

2. Every block elect one active member as delegate to the P.C.C. provided each such constituency has a membership of not less than one thousand.

3. Every member of the P.C.C. elected ex-officio, associate or nominated shall make a payment of an annual subscription of Rs. 12/- to the P.C.C. out of which Rs. 8/- shall be sent to the A.I.C.C. as delegate fee.

ARTICLE XV

Eelection of the members of A. I. C. C. from the J & K shall be in accordance with the provisions of Article 13 A—(i) of the Constitution.

Pradesh Congress Committee shall consist of the following :—

(a) Every Block shall elect one member to the P.C.C.

(b) Rules for such election shall be in accordance with the rules to be framed by the Executive Council of the P.C.C.

(c) Ex-Presidents of P.C.C. who have served one full term and are active members of the Congress.

(d) Presidents of a D.C.C. provided they shall not be eligible to become presidents or the Secretaries of the P.C.C.

(e) Members co-opted by P.C.C. from special elements not adequately represented in accordance with the Rules to be framed by the Working Committee.

(f) Representatives of Organisations and Municipalities in accordance with the rules to be framed by the Working Committee.

(g) Five members of the State Legislature shall be elected to the P. C. C. by the Congress Parliamentary Party.

(h) A.I.C.C. members who reside in J & K State.

(i) Members of the Congress Parliamentary Party from the State of J & K and the members of the Executive Committee of the Congress in the State Legislature shall be associated members of the P.C.C.

ARTICLE XVI

Functions of the P. C. C.

(a) P.C.C. shall ordinarily function through the District Congress Committee.

(b) Subject to the general supervision and control of the A.I.C.C. incharge of the affairs of the Congress Committee within the Pradesh shall frame its constitution not inconsistent with the constitution of A. I. C. C.

(c) Shall submit to the Working Committee an annual report of the work done by Congress Organisation in the Pradesh including their audited balance sheets.

(d) The P. C. C. shall have an executive council of 21 members including the following office bearers :—

1. President (Provided that for the first term the President of the P.C.C. shall be elected by the delegates participates in the first session of J & K Pradesh Congress)
2. Two Vice-Presidents
3. General Secretary
4. Two Secretaries and
5. One Treasurer

(e) All members of the Executive Council including the President, Vice-Presidents and the Treasurer shall be elected as the first general meeting of the members of the P. C. C. and the General Secretary and the Secretaries shall be nominated by the President from amongst the members of the Executive Council.

The outgoing P. C. C. shall continue to function till the annually elected P. C. C. is constituted. The P. C. C. shall meet atleast twice a year.

For ordinary meetings notice for not less than ten days shall be given by the General Secretary to the members. For an extraordinary or a special meeting the time limit can be reduced to three days. Ordinarily the information of the meeting shall go to the individual members. If an extraordinary or emergent meeting is to be convened the District or the P. C. C. as the case may be shall also be informed.

One third or thirty members of the Congress Committee which ever is less shall form a quorom of a general or special meeting. The General Secretary of the P. C. C.

shall convene a meeting of requisition is made by one third of the members of the P. C. C.

The General Secretary on receipt of a requisition in writing signed by such members disclosing the agenda of the business to be transacted in such a meeting shall call a meeting. However, if he fails to convene such a meeting the attention of the President shall be drawn. In case he also fails to convene such a meeting within the time fixed under rules, the members may after issuing the requisite notice to the members of the P. C. C. assemble at the headquarters of the P C. C. In every case such requisition shall have to be sent to the office of the Congress Committee for its information.

ARTICLE XVII

(a) Seven days notice shall be given to convene the meeting of the Executive Council. The notification shall be sent to all the members individually. An emergent meeting will be called with the permission of the President at 24 hours notice.

(b) The President of the P. C. C. shall preside over its meetings and in his absence one of the vice-Presidents shall be elected as President of the meeting.

If none of the Vice-Presidents is present any member may be elected to preside over the meeting.

(c) Executive Council shall be incharge of the affairs of the Congress within the jurisdiction of the J & K State, subject to the general supervision and control of the P. C. C.

(d) Executive council shall frame rules and issue instructions as may be necessary for proper functioning of the congress organisation not inconsistent with the P. C. C. constitution or any rules made by the congress working committee, in this behalf.

(e) Shall supervise, control and issue directions to all subordinate congress committees.

(f) Shall take such disciplinary action against an individual or a committee as it deems fit for indiscipline, misconduct, wilful negligence or default in discharge of duties within the jurisdiction of P. C. C.

(g) Provided such action shall be taken after giving a reasonable opportunity to the member or the Committee as the case may be to explain its position.

(h) Pradesh Congress can suspend any District Committee and form an adhoc committee to carry on the congress work. The Congress Committee shall have to record the reasons for such dismissal or suspension, provided that no such action has been taken unless show-cause notice is given to the committee against the action proposed to be taken.

ARTICLE XVIII

The Executive Council may appoint an individual or a special committee for special purposes and assign to him/them such duties and delegate to him/them as the Council may think necessary. It shall not be obligatory that all members of the said committee or individuals so appointed are members of the P. C. C.

(b) May form sub-committee and delegate to them such powers as the council may think necessary.

(c) The treasurer shall be incharge of the funds of the P. C. C. All money received for the P. C. C. shall be deposited in a Bank approved by the P. C. C. executive through the Treasurer and withdrawals shall be made by Cheques issued under the joint signatures of the President or the General Secretary and the Treasurer.

ARTICLE XIX

General Secretary

The General Secretary of the P. C. C. may keep with him a sum of rupees one thousand as imprest money. Accounts of the Pradesh Committee shall be audited every year, and the Auditing Party shall be appointed at the general meeting of the P.C. C. All audited accounts shall be placed before the general meeting of the Pradesh Committee in the following year.

ARTICLE XX

The Executive or the D. C. C. and P. C. C. shall arrange for periodical scrutiny and disposal of complaints regarding the enrolment of primary and active members in accordance with the rules framed by the working committee.

ARTICLE XXI

The Executive and District Congress Committee and the P. C. C. shall make arrangements for the disposal of complaints regarding the election in accordance with the rules framed by the Working Committee. The P. C. C. shall each year by 2/3rd majority elect the Pradesh Returning Officer who in turn will arrange to appoint District Returning Officers and such other officers as he deems necessary for the conduct of elections in the Pradesh.

The Pradesh Returning Officer shall hold office for one year or till such time as a new Pradesh Returning Officer is elected or is removed by the Working Committee in accordance with the rules to be framed in this behalf.

ARTICLE XXII

The Pradesh Election Committee shall consist of the President, of the P. C. C leader of the Congress Party in the State Legislature, besides it is not more than five members but not less than three members who shall be elected in the general meeting of the P. C. C.

Every member of the Committee shall have a single transferable vote. The President of the P. C. C. shall be ex-officio chairman of the Pradesh Election Committee. Such duly constituted Pradesh Election Committee shall recommend condidates for Central and State Legislature to the Central Election Committee.

Miscellaneous :

Any questions or disputes arising with regard to the interpretation of the provisions of this Constitution and its contents or the procedure laid down therein, amongst the members or amongst the committees shall be determined by the competent authority or authorities mentioned in this Constitution or the Rules framed under it and the decision of such an authority shall be final and binding and shall not be called in question in any court of law.

If any vacancy is caused in the membership of the Executive Committee it shall be filled in by the Executive body of the said committee in the manner prescribed for such elections.

All Block and District Committees shall place at its annual general meetings Audited accounts and report of its activities during the year. Unless otherwise specifically provided 1/4th of the total members shall form a quorum of the meeting of the committee.

The General body of block and district committees shall meet atleast twice a year. No action of any committee shall be invalid by reason of any vacancy in its membership. The term of the Congress Committee's office bearers shall ordinarily be two years. To meet a special situation the executive council shall have the power to take such action in the interest of Congress as it may deem fit. However, if any action is taken which is beyond the powers of the Executive Council as defined in this Constitution, it shall be submitted as early as possible to the general meeting for ratification.

In all other matters not specified in this Constitution, the provisions of the Indian National Congress Constitutions shall be applied. The Constitution of the J & K Pradesh Congress Committee can be amended, modified, or altered by a majority of 2/3rd members present and voting at a special meeting of the P. C. C.

The term of the co-opted and nominated or associate members shall be terminable along-with all the elected members of the Committee.

If a member of the Parliament or Legislature is elected members of the Committee.

If a member of the Parliament or Legislative is elected from an area coming under more than one block, of district congress committee as the case may be, he should indicate to the P. C. C. in writing the name of such committee of which he desires to be a member before the first meeting, failing which the P. C. C. Executive shall decide the committee to which he should belong.

D. C. C. shall not supersede or form an adhoc block congress committee or any congress committee without the prior approval of P. C. C. The period of an adhoc committee shall ordinarily be three months and it can be extended upto a period of one year with the approval of the P. C. C. The adhoc committee shall enjoy the same powers and exercise the same functions as if it were duly elected committee.

- Forms of membership and other annexures to the Indian Congress Constitution shall apply mutatus mutandus to this Constitution.

Headquarters of the P. C. C. shall be at Srinagar.

All the decisions of the Executive Committee shall be subject to an appeal before the P. C. C. whose decision shall be final subject to the orders of A. I. C. C.

The General body of Block and other committees shall meet atleast twice a year. No action of any committee shall be invalid by reason of any vacancy in its membership. The term of the Congress Committee & office bearers shall ordinarily be 3 years. In case of a grave emergency the executive committee shall have the power to take such action in the interest of Congress as it may deem fit. However, if any action is taken which is beyond the powers of the Executive Committee as defined in this Constitution, it shall be submitted as early as possible to the general meeting for ratification.

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If a member of the Parliament or Legislature is elected member, of the Committee.

If a member of the Parliament or Legislature is elected from an area covering more than one Block or District congress committees, as the case may be, he should indicate to the P.C.C. in writing the name of such committee of which he desires to be a member before the first meeting, failing which the P.C.C. Executive shall decide the committee to which he should belong.

P.C.C. shall not dissolve or take any action against the congress committee or any congress committee without the prior approval of A.I.C.C. The period of an adhoc committee shall ordinarily be three months and it may be extended upto a period of one year with the approval of the A.I.C.C. The adhoc committee shall enjoy the same powers and exercise the same functions as if it were duly elected committee.

Forms of membership and other literature of the India Congress Committee shall apply mutatis mutandis to this Constitution.

Headquarters of the P.C.C. Committee at Srinagar.

All the decisions of the Executive Committee shall be notified [illegible] shall be [illegible] placed to the next meeting of the P.C.C.

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